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ANNALS

OF

THE CONGRESS OF THE UNITED STATES.

FOURTEENTH CONGRESS.—SECOND SESSION.

GEORGETOWN COLLEGE

THE

DEBATES AND PROCEEDINGS

IN THE

CONGRESS OF THE UNITED STATES;

WITH

AN APPENDIX,

CONTAINING

IMPORTANT STATE PAPERS AND PUBLIC DOCUMENTS,

AND ALL

THE LAWS OF A PUBLIC NATURE;

WITH A COPIOUS INDEX.

FOURTEENTH CONGRESS—SECOND SESSION:

COMPRISING THE PERIOD FROM DECEMBER 2, 1816, TO MARCH 3, 1817, INCLUSIVE.

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WASHINGTON:

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PROCEEDINGS AND DEBATES

OF

THE SENATE OF THE UNITED STATES,

AT THE SECOND SESSION OF THE FOURTEENTH CONGRESS, BEGUN AT THE CITY OF WASHINGTON, MONDAY, DECEMBER 2, 1816.

MONDAY, December 2, 1816.

The second session of the Fourteenth Congress, conformably to the Constitution of the United States, commenced this day at the City of Washington; and the Senate assembled.

PRESENT:

JEREMIAH MASON and THOMAS W. THOMPSON, from the State of New Hampshire.

JOSEPH B. VARNUM and ELI P. ASHMUN, from Massachusetts.

JEREMIAH B. HOWELL, from Rhode Island.

ISAAC TICHENOR, from Vermont.

DAVID DAGGETT, from Connecticut.

NATHAN SANFORD, from New York.

JOHN CONDIT and JAMES J. WILSON, from New Jersey.

ABNER LACOCK, from Pennsylvania.

OUTERBRIDGE HORSEY, from Delaware.

JAMES BARBOUR and ARMISTEAD T. MASON, from Virginia.

NATHANIEL MACON, from North Carolina.

JOHN GAILLARD, from South Carolina.

CHARLES TAIT, from Georgia.

JOHN WILLIAMS, from Tennessee.

JEREMIAH MORROW and BENJAMIN RUGGLES, from Ohio.

ELIGIUS FROMENTIN, from Louisiana.

JOHN GAILLARD, President *pro tempore*, resumed the Chair.

ELI P. ASHMUN, appointed a Senator by the Legislature of the Commonwealth of Massachusetts, in the room of Christopher Gore, resigned, produced his credentials, was qualified, and he took his seat in the Senate.

The PRESIDENT communicated the credentials of the appointment of JAMES NOBLE and WALLER TAYLOR, as Senators, by the Legislature of the State of Indiana, which were read.

Whereupon, on motion by Mr. MORROW,

Resolved, That a committee be appointed to inquire whether any, and if any, what, legislative measures may be necessary for admitting the State of Indiana into the Union, or for extending to that State the laws of the United States.

Messrs. MORROW, DAGGETT, and BARBOUR, were appointed the committee.

On motion by Mr. MORROW, the credentials of the appointment of JAMES NOBLE and WALLER TAYLOR, as Senators to represent the said State of Indiana in the Senate of the United States, were referred to the said committee, to consider and report thereon.

On motion by Mr. TAIT, the Secretary was directed to acquaint the House of Representatives that a quorum of the Senate is assembled, and ready to proceed to business.

Mr. VARNUM submitted the following motion for consideration:

Resolved, That it is expedient to repeal a law passed the last session of Congress, entitled "An act to change the mode of compensation to the members of the Senate and House of Representatives, and the Delegates from Territories," and that a committee be appointed to prepare and report a bill for that purpose.

On motion by Mr. LACOCK,

Resolved That each Senator be supplied, during the present session, with three such newspapers, printed in the United States, as he may choose, provided the same be furnished at the usual rate for the annual charge of such papers; and provided, also, that if any Senator shall choose to take any newspapers other than daily papers, he shall be supplied with as many such papers as shall not exceed the price of three daily papers.

On motion by Mr. HOWELL, a committee was appointed agreeably to the forty-second rule for conducting business in the Senate, and Messrs. HOWELL, LACOCK, and THOMPSON, were appointed the committee.

Mr. HOWELL submitted the following motion for consideration, which was read, and passed to the second reading:

Resolved, That two Chaplains of different denominations be appointed to Congress, during the present session, one by each House, who shall interchange weekly.

A message from the House of Representatives informed the Senate that a quorum of the House of Representatives is assembled, and ready to proceed to business. They have appointed a committee on their part, jointly with such committee as may be appointed on the part of the

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Senate, to wait on the President of the United States, and notify him that a quorum of the two Houses is assembled, and ready to receive any communications that he may be pleased to make to them; in which resolution they request the concurrence of the Senate.

The Senate concurred in the appointment of a joint committee on their part, agreeably to the resolution last mentioned; and Messrs. BARBOUR and MACON were appointed the committee.

On motion by Mr. WILSON, a committee was appointed, agreeably to the twenty-second rule, for conducting business in the Senate. Messrs. WILSON, FROMENTIN, and ASHMUN, were appointed the committee.

Mr. FROMENTIN submitted the following motion for consideration, which was read, and passed to the second reading:

Resolved, That a committee of three members be appointed, who, with three members of the House of Representatives, to be appointed by that House, shall have the direction of the money appropriated to the purchase of books, and maps, for the use of the two Houses of Congress.

On motion by Mr. FROMENTIN, it was read a second time, and considered as in Committee of the Whole: and no amendment having been proposed, it was reported to the House, read the third time by unanimous consent, and passed.

Messrs. FROMENTIN, GOLDSBOROUGH, and HUNTER, were appointed the committee.

TUESDAY, December 3.

Mr. BARBOUR reported from the joint committee, that they had waited on the President of the United States, and that the President had informed the committee that he would make a communication to the two Houses this day at 12 o'clock.

Mr. LACOCK submitted the following motion for consideration; which was read, and passed to the second reading:

Resolved, That Mountjoy Bayly, Doorkeeper and Sergeant-at-Arms to the Senate, be, and he hereby is, authorized to employ one assistant and two horses, for the purpose of performing such services as are usually required by the Doorkeeper of the Senate, which expense should be paid out of the contingent fund.

The Senate resumed the consideration of the motion made yesterday, relative to the repeal of the compensation law; and the further consideration thereof was postponed until Monday next.

The resolution for the appointment of Chaplains was read the second time, and considered as in Committee of the Whole; and no amendment having been proposed, the PRESIDENT reported it to the House; and it was ordered to be engrossed and read a third time.

PRESIDENT'S ANNUAL MESSAGE.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Fellow-citizens of the Senate
and of the House of Representatives:

In reviewing the present state of our country, our attention cannot be withheld from the effect produced by peculiar seasons, which have very generally impaired the annual gifts of the earth, and threatened scarcity in particular districts. Such, however, is the variety of soils, of climates, and of products, within our extensive limits, that the aggregate resources for subsistence are more than sufficient for the aggregate wants. And as far as an economy of consumption, more than usual, may be necessary, our thankfulness is due to Providence for what is far more than a compensation, in the remarkable health which has distinguished the present year.

Amidst the advantages which have succeeded the peace of Europe, and that of the United States with Great Britain, in a general invigoration of industry among us, and in the extension of our commerce, the value of which is more and more disclosing itself to commercial nations, it is to be regretted that a depression is experienced by particular branches of our manufactures, and by a portion of our navigation. As the first proceeds, in an essential degree, from an excess of imported merchandise, which carries a check in its own tendency, the cause, in its present extent, cannot be of very long duration. The evil will not, however, be viewed by Congress, without a recollection, that manufacturing establishments, if suffered to sink too low, or languish too long, may not revive, after the causes shall have ceased; and that, in the vicissitudes of human affairs, situations may recur, in which a dependence on foreign sources, for indispensable supplies, may be among the most serious embarrassments.

The depressed state of our navigation is to be ascribed, in a material degree, to its exclusion from the colonial ports of the nation most extensively connected with us in commerce, and from the indirect operation of that exclusion.

Previous to the late convention at London, between the United States and Great Britain, the relative state of the navigation laws of the two countries, growing out of the Treaty of 1794, had given to the British navigation a material advantage over the American, in the intercourse between the American ports and British ports in Europe. The convention of London equalized the laws of the two countries, relating to those ports; leaving the intercourse between our ports and the ports of the British colonies subject, as before, to the respective regulations of the parties. The British Government enforcing, now, regulations which prohibit a trade between its colonies and the United States, in American vessels, whilst they permit a trade in British vessels, the American navigation loses accordingly; and the loss is augmented by the advantage which is given to the British competition over the American, in the navigation between our ports and British ports in Europe, by the circuitous voyages, enjoyed by the one and not enjoyed by the other.

The reasonableness of the rule of reciprocity, applied to one branch of the commercial intercourse, has been pressed on our part as equally applicable to both branches; but it is ascertained that the British Cabinet declines all negotiation on the subject, with a disavowal, however, of any disposition to view, in an unfriendly light, whatever countervailing regulations the United States may oppose to the regulations of which they complain. The wisdom of the Legislature will decide on the course which, under these circumstances, is prescribed by a joint regard to the amicable relations between the two nations and to the just interests of the United States.

I have the satisfaction to state, generally, that we remain in amity with foreign Powers.

An occurrence has, indeed, taken place in the Gulf of Mexico, which, if sanctioned by the Spanish Government, may make an exception as to that Power. According to the report of our naval commander on that station, one of our public armed vessels was attacked by an overpowering force, under a Spanish commander, and the American flag, with the officers and crew, insulted, in a manner calling for prompt reparation. This has been demanded. In the meantime a frigate and a smaller vessel of war have been ordered into that Gulf for the protection of our commerce. It would be improper to omit, that the representative of His Catholic Majesty, in the United States, lost no time in giving the strongest assurances that no hostile order could have emanated from his Government, and that it will be as ready to do, as to expect, whatever the nature of the case and the friendly relations of the two countries shall be found to require.

The posture of our affairs with Algiers, at the present moment, is not known. The Dey, drawing pretexts from circumstances, for which the United States were not answerable, addressed a letter to this Government, declaring the treaty last concluded with him to have been annulled by our violation of it; and presenting as the alternative, war, or a renewal of the former treaty, which stipulated among other things an annual tribute. The answer, with an explicit declaration that the United States preferred war to tribute, required his recognition and observance of the treaty last made, which abolishes tribute and the slavery of our captured citizens. The result of the answer has not been received. Should he renew his warfare on our commerce, we rely on the protection it will find in our naval force actually in the Mediterranean.

With the other Barbary States our affairs have undergone no change.

The Indian tribes within our limits appear also disposed to remain at peace. From several of them purchases of lands have been made, particularly favorable to the wishes and security of our frontier settlements, as well as to the general interests of the nation. In some instances, the titles, though not supported by due proof, and clashing, those of one tribe with the claims of another, have been extinguished by double purchases; the benevolent policy of the United States preferring the augmented expense, to the hazard of doing injustice, or to the enforcement of injustice against a feeble and untutored people, by means involving or threatening an effusion of blood. I am happy to add, that the tranquillity which has been restored among the tribes themselves, as well as between them and our own population, will favor the resumption of the work of civilization, which had made an encouraging progress among some tribes; and that the facility is increasing, for extending that divided and individual ownership, which exists now in movable property only, to the soil itself; and of thus establishing, in the culture and improvement of it, the true foundation for a transit from the habits of the savage, to the arts and comforts of social life.

As a subject of the highest importance to the national welfare, I must, again, earnestly recommend to the consideration of Congress, a re-organization of the Militia, on a plan which will form it into classes, according to the periods of life more and less adapted to military services. An efficient militia is authorized and contemplated by the Constitution, and required by the spirit and safety of free Government. The present organization of our militia is universally regarded as less efficient than it ought to be made; and no organization can be better calculated to give to it its due force, than a classification which will assign the foremost place in the defence of the country, to that portion of its citizens, whose activity and animation best enable them to rally to its standard. Besides, the consideration that a time of peace is the time when the change can be made with most convenience and equity, it will now be aided by the experience of a recent war, in which the militia bore so interesting a part.

Congress will call to mind, that no adequate provision has yet been made, for the uniformity of weights and measures, also contemplated by the Constitution. The great utility of a standard, fixed in its nature, and founded on the easy rule of decimal proportions, is sufficiently obvious. It led the Government, at an early stage, to preparatory steps for introducing it; and a completion of the work will be a just title to the public gratitude.

The importance which I have attached to the establishment of a University within this District, on a scale, and for objects worthy of the American nation, induces me to renew my recommendation of it to the favorable consideration of Congress. And I particularly invite, again, their attention to the expediency of exercising their existing powers, and, where necessary, of resorting to the prescribed mode of enlarging them, in order to effectuate a comprehensive system of roads and canals, such as will have the effect of drawing more closely together every part of our country, by promoting intercourse and improvements, and by increasing the share of every part in the common stock of national prosperity.

Occurrences having taken place which show that the statutory provisions for the dispensation of criminal justice are deficient, in relation both to places and to persons, under the exclusive cognizance of the national authority, an amendment of the law, embracing such cases, will merit the earliest attention of the Legislature. It will be a seasonable occasion, also, for inquiring how far Legislative interposition may be further requisite in providing penalties for offences designated in the Constitution or in the statutes, and to which either no penalties are annexed, or none with sufficient certainty. And I submit to the wisdom of Congress, whether a more enlarged revisal of the criminal code be not expedient, for the purpose of mitigating, in certain cases, penalties which were adopted into it, antecedent to experiment and examples which justify and recommend a more lenient policy.

The United States, having been the first to abolish, within the extent of their authority, the transportation of the natives of Africa into slavery, by prohibiting the introduction of slaves, and by punishing their citizens participating in the traffic, cannot but be gratified at the progress, made by concurrent efforts of other nations, towards a general suppression of so great an evil. They must feel, at the same time, the greater solicitude to give the fullest efficacy to their own regulations. With that view, the interposition of Congress appears to be required by the violations and evasions which, it is suggested, are chargeable on unworthy citizens, who mingle in the slave trade under foreign flags, and with foreign ports; and by collusive importations of slaves into the United States, through adjoining ports and territories. I present the subject to

Congress with a full assurance of their disposition to apply all the remedy which can be afforded by an amendment of the law. The regulations which were intended to guard against abuses of a kindred character, in the trade between the several States, ought also to be rendered more effectual for their humane object.

To these recommendations I add, for the consideration of Congress, the expediency of a re-modification of the Judiciary establishment, and of an additional department in the Executive branch of the Government.

The first is called for by the accruing business which necessarily swells the duties of the Federal Courts; and by the great and widening space, within which justice is to be dispensed by them. The time seems to have arrived which claims for members of the Supreme Court a relief from itinerary fatigues, incompatible as well with the age which a portion of them will always have attained, as with the researches and preparations which are due to their stations, and to the juridical reputation of their country. And considerations equally cogent require a more convenient organization of the subordinate tribunals, which may be accomplished without an objectionable increase of the number or expense of the judges.

The extent and variety of Executive business, also accumulating with the progress of our country and its growing population, call for an additional department, to be charged with duties now overburdening other departments, and with such as have not been annexed to any department.

The course of experience recommends, as another improvement in the Executive establishment, that the provision for the station of Attorney General, whose residence at the Seat of Government, official connexions with it, and management of the public business before the Judiciary, preclude an extensive participation in professional emoluments, be made more adequate to his services and his relinquishments; and that, with a view to his reasonable accommodation, and to a proper depository of his official opinions and proceedings, there be included in the provision the usual appurtenances to a public office.

In directing the Legislative attention to the state of the finances, it is a subject of great gratification to find, that, even within the short period which has elapsed since the return of peace, the revenue has far exceeded all the current demands upon the Treasury, and that, under any probable diminution of its future annual products, which the vicissitudes of commerce may occasion, it will afford an ample fund for the effectual and early extinguishment of the public debt. It has been estimated, that during the year 1816, the actual receipts of revenue at the Treasury, including the balance at the commencement of the year, and excluding the proceeds of loans and Treasury notes, will amount to about the sum of forty-seven millions of dollars; that during the same year, the actual payments at the Treasury, including the payment of the arrearages of the War Department, as well as the payment of a considerable excess, beyond the annual appropriations, will amount to about the sum of thirty-eight millions of dollars; and that, consequently, at the close of the year, there will be a surplus in the Treasury of about the sum of nine millions of dollars.

The operations of the Treasury continue to be obstructed by difficulties, arising from the condition of the national currency; but they have, nevertheless, been effectual, to a beneficial extent, in the reduction of the public debt, and the establishment of the public credit. The floating debt, of Treasury notes and temporary loans, will soon be entirely discharged. The aggregate of the funded debt, composed of debts incurred during the wars of 1776 and 1812, has been estimated, with reference to the first of January next, at a sum not exceeding one hundred and ten millions of dollars. The ordinary annual expenses of the Government, for the maintenance of all its institutions, civil, military, and naval, have been estimated at a sum less than twenty millions of dollars. And the permanent revenue, to be derived from all the existing sources, has been estimated at a sum of about twenty-five millions of dollars.

Upon this general view of the subject, it is obvious, that there is only wanting, to the fiscal prosperity of the Government, the restoration of an uniform medium of exchange. The resources and the faith of the nation, displayed in the system which Congress has established, insure respect and confidence both at home and abroad. The local accumulations of the revenue have already enabled the Treasury to meet the public engagements in the local currency of most of the States; and it is expected that the same cause will produce the same effect throughout the Union. But, for the interests of the community at large, as well as for the purposes of the Treasury, it is essential that the nation should possess a currency of equal value, credit, and use, wherever it may circulate. The Constitution has intrusted Congress, exclusively, with the power of creating and regulating a currency of that description; and the measures which were taken during the last session, in execution of the power, give every promise of success. The Bank of the United States has been organized under auspices the most favorable, and cannot fail to be an important auxiliary to those measures.

For a more enlarged view of the public finances, with a view of the measures pursued by the Treasury Department, previous to the resignation of the late Secretary, I transmit an extract from the last report of that officer. Congress will perceive in it ample proofs of the solid foundation on which the financial prosperity of the nation rests; and will do justice to the distinguished ability and successful exertions with which the duties of the department were executed, during a period remarkable for its difficulties and its peculiar perplexities.

The period of my retiring from the public service being at little distance, I shall find no occasion more proper than the present for expressing to my fellow-citizens my deep sense of the continued confidence and kind support which I have received from them. My grateful recollection of these distinguished marks of their favorable regard can never cease; and, with the consciousness, that if I have not served my country with greater ability, I have served it with a sincere devotion, will accompany me as a source of unfailing gratification.

Happily, I shall carry with me from the public theatre, other sources, which those who love their country most, will best appreciate. I shall behold it blessed with tranquillity and prosperity at home, and with peace and respect abroad. I can indulge the proud reflection, that the American people have reached, in safety and success, their fortieth year as an independent nation; that, for nearly an entire generation, they have had experience of their present Constitution, the

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offspring of their undisturbed deliberations and of their free choice; that they have found it to bear the trials of adverse as well as prosperous circumstances; to contain, in its combination of the federate and elective principles, a reconcilement of public strength with individual liberty, of national power for the defence of national rights, with a security against wars of injustice, of ambition, and of vain glory, in the fundamental provision which subjects all questions of war to the will of the nation itself, which is to pay its cost and feel its calamities. Nor is it less a peculiar felicity of this Constitution, so dear to us all, that it is found to be capable, without losing its vital energies, of expanding itself over a spacious territory, with the increase and expansion of the community for whose benefit it was established.

And may I not be allowed to add to this gratifying spectacle, that I shall read in the character of the American people, in their devotion to true liberty, and to the Constitution which is its palladium, sure presages, that the destined career of my country will exhibit a Government pursuing the public good as its sole object, and regulating its means by the great principles consecrated in its charter, and by those moral principles to which they are so well allied: A Government which watches over the purity of elections, the freedom of speech and of the press, the trial by jury, and the equal interdict against encroachments and compacts between religion and the State; which maintains inviolably the maxims of public faith, the security of persons and property, and encourages, in every authorized mode, that general diffusion of knowledge which guarantees to public liberty its permanency, and to those who possess the blessing, the true enjoyment of it: A Government which avoids intrusions on the internal repose of other nations, and repels them from its own; which does justice to all nations with a readiness equal to the firmness with which it requires justice from them; and which, while it refines its domestic code from every ingredient not congenial with the precepts of an enlightened age, and the sentiments of a virtuous people, seeks, by appeals to reason, and by its liberal examples, to infuse, into the law which governs the civilized world, a spirit which may diminish the frequency, or circumscribe the calamities of war, and meliorate the social and beneficent relations of peace: A Government, in a word, whose conduct, within and without, may bespeak the most noble of all ambitions—that of promoting peace on earth, and good will to man.

These contemplations, sweetening the remnant of my days, will animate my prayers for the happiness of my beloved country, and a perpetuity of the institutions under which it is enjoyed.

JAMES MADISON.

DECEMBER 3, 1816.

The Message and accompanying documents were read, and two thousand copies of the Message ordered to be printed for the use of the Senate.

WEDNESDAY, December 4.

The resolution for the appointment of Chaplains was read a third time and passed, as follows:

Resolved, That two Chaplains, of different denominations, be appointed to Congress, during the present session, one by each House, who shall interchange weekly.

Mr. VARNUM submitted the following motion for consideration:

Resolved, That a committee be appointed to inquire into the expediency of requiring the Directors of the Bank of the United States to establish a competent office of discount and deposite within the City of Washington, in the District of Columbia; and that they have leave to report by bill or otherwise.

The resolution authorizing Mountjoy Bayly to employ one assistant and two horses, was read the second time, and considered as in Committee of the Whole; and no amendment having been proposed, the PRESIDENT reported it to the House, and it was ordered to be engrossed and read a third time.

Mr. MORROW, from the committee appointed to inquire whether any, and, if any, what Legislative measures may be necessary for admitting the State of Indiana into the Union, or for extending the laws of the United States to that State, made report, which was read, together with the following resolution:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Indiana, having formed to themselves a constitution and State government, conformable to the Constitution and laws of the United States, and to the principles of the articles of compact between the original States, and the people and States to be formed in the Territory Northwest of the river Ohio, passed on the 13th day of July, 1787, the said State shall be, and is hereby declared to be, one of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatever.

Ordered, That said resolution pass to the second reading.

PRESIDENT'S MESSAGE.

Mr. SANFORD submitted the following motions for consideration:

1. *Resolved*, That so much of the Message of the President of the United States as relates to foreign affairs, be referred to a select committee, with leave to report by bill or otherwise.

2. *Resolved*, That so much of the Message of the President of the United States as relates to manufactures, be referred to a select committee, with leave to report by bill or otherwise.

3. *Resolved*, That so much of the Message of the President of the United States as relates to navigation and commerce, be referred to a select committee, with leave to report by bill or otherwise.

4. *Resolved*, That so much of the Message of the President of the United States as relates to the militia, be referred to a select committee, with leave to report by bill or otherwise.

5. *Resolved*, That so much of the Message of the President of the United States as relates to weights and measures, be referred to a select committee, with leave to report by bill or otherwise.

6. *Resolved*, That so much of the Message of the President of the United States as relates to a National University, be referred to a select committee, with leave to report by bill or otherwise.

7. *Resolved*, That so much of the Message of the President of the United States, as relates to roads and

canals, be referred to a select committee, with leave to report by bill or otherwise.

8. *Resolved*, That so much of the Message of the President of the United States as relates to the slave trade, be referred to a select committee, with leave to report by bill or otherwise.

9. *Resolved*, That so much of the Message of the President of the United States as relates to crimes and offences, be referred to a select committee, with leave to report by bill or otherwise.

10. *Resolved*, That so much of the Message of the President of the United States as relates to the Judiciary Establishment, be referred to a select committee, with leave to report by bill or otherwise.

11. *Resolved*, That so much of the Message of the President of the United States as relates to an additional Executive Department, be referred to a select committee, with leave to report by bill or otherwise.

12. *Resolved*, That so much of the Message of the President of the United States as relates to the office of Attorney General, be referred to a select committee, with leave to report by bill or otherwise.

13. *Resolved*, That so much of the Message of the President of the United States, as relates to the finances and a national currency, be referred to a select committee, with leave to report by bill or otherwise.

THURSDAY, December 5.

DUDLEY CHACE, from the State of Vermont; WILLIAM HUNTER, from the State of Rhode Island; JONATHAN ROBERTS, from the State of Pennsylvania; and JAMES BROWN, from the State of Louisiana, severally took their seats in the Senate, all of whom arrived on the 4th instant.

MARTIN D. HARDIN, appointed a Senator by the Executive of the State of Kentucky, in place of William T. Barry, resigned, (who arrived on the 4th instant,) produced his credentials, was qualified, and he took his seat in the Senate.

The resolution authorizing the Sergeant-at-Arms to employ one assistant and two horses, was read a third time and passed.

Mr. ROBERTS presented the petition of Robert Kidd, of the city of Philadelphia, praying relief for an alleged forfeiture under the non-importation laws, as stated in the petition, which was read, and referred to a select committee to consider and report thereon, by bill or otherwise; and Messrs. ROBERTS, BROWN, and HOWELL, were appointed the committee.

On motion, by Mr. MORROW, the report of the committee appointed to inquire whether any, and if any, what, Legislative measures may be necessary for admitting the State of Indiana into the Union, or for extending the laws of the United States to that State, was recommitted to the same committee, further to consider and report thereon.

Mr. BARBOUR submitted the following motion for consideration, which was twice read by unanimous consent:

Resolved, That it shall be one of the rules of the Senate that the following standing committees be appointed at each session:

A Committee on Foreign Relations.
A Committee on Ways and Means.
A Committee on Commerce and Manufactures.
A Committee on Military Affairs.
A Committee on the Militia.
A Committee on Naval Affairs.
A Committee on Public Lands.
A Committee of Claims.
A Committee on the Judiciary.
A Committee on the Post Office and Post Roads.
A Committee on Pensions.

The Senate resumed the consideration of the motion for the appointment of a committee to inquire into the expediency of requiring the establishment of a competent office of discount and deposite within the city of Washington.

On motion, by Mr. MASON, of New Hampshire, the further consideration thereof was postponed until Monday week.

On motion, the further consideration of the motions for referring the Message of the President of the United States to select committees was postponed until to-morrow.

FRIDAY, December 6.

WILLIAM H. WELLS, from the State of Delaware, who arrived on the 5th instant, took his seat in the Senate.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

The 9th section of the act, passed at the last session of Congress, "to authorize the payment for property lost, captured, or destroyed by the enemy, while in the military service of the United States, and for other purposes," having received a construction giving to it a scope of great and uncertain extent, I thought it proper that proceedings relative to claims under that part of the act should be suspended, until Congress should have an opportunity of defining, more precisely, the cases contemplated by them. With that view, I now recommend the subject to their consideration. They will have an opportunity, at the same time, of considering how far other provisions of the act may be rendered more clear and precise in their import.

JAMES MADISON.

DECEMBER 6, 1816.

On motion, by Mr. SANFORD, the consideration of the motions of the 4th instant for referring the Message of the President of the United States to select committees, was further postponed until Monday next.

On motion, by Mr. VARNUM, the Senate proceeded to the appointment of a Chaplain on their part; and, on the ballots having been counted, it appeared that the Reverend JOHN GLENDY had a majority, and was elected.

ADMISSION OF INDIANA.

Mr. MORROW, from the committee appointed to inquire whether any, and, if any, what Legislative measures may be necessary for admitting the State of Indiana into the Union, or for extending the laws of the United States to that State, to whom was recommitted their report on that subject, reported the resolution for admitting the State of Indiana into the Union, with amend-

ments, which were read and considered as in Committee of the Whole; and having been agreed to, the PRESIDENT reported the resolution to the House amended accordingly.

On the question "Shall this resolution be engrossed and read a third time?" it was determined in the affirmative.

The said resolution having been reported by the committee correctly engrossed, was read a third time by unanimous consent, as follows:

Whereas, in pursuance of an act of Congress, passed on the 19th day of April, 1816, entitled "An act to enable the people of the Indiana Territory to form a constitution and State government, and for the admission of that State into the Union," the people of the said Territory did, on the 29th day of June, in the present year, by a convention called for that purpose, form for themselves a constitution and State government, which constitution and State government so formed is republican, and in conformity with the principles of the articles of compact between the original States and the people and States in the territory northwest of the river Ohio, passed on the 13th day, of July 1787:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Indiana shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatever.

ROADS AND CANALS.

The Senate went into the consideration of the motion to amend the rules of the Senate, by ordering the appointment, at each session, of standing committees on the regular subjects of legislation, instead of providing select committees for every occasion requiring the reference of a subject.

A motion made by Mr. BARBOUR, to add to the number a standing committee on the subject of roads and canals, gave rise to some debate.

This motion was opposed by Messrs. MASON of New Hampshire, and DAGGETT, on the ground that, except the Cumberland road, the United States possesses neither roads nor canals, on which to legislate; that it was not a regular and permanent subject for the consideration of Congress; that it had not yet even been decided that the United States had a Constitutional jurisdiction over roads and canals, and that under this doubt, the extension of their Constitutional powers on the subject had been suggested, &c.

Mr. BARBOUR replied, that his motion proceeded from his impressions of the importance of roads and canals to the welfare and prosperity of the Republic; that it was, moreover, a subject repeatedly recommended to their consideration by the President of the United States; that though, except in the single road mentioned, the United States possessed neither roads nor canals, on which to legislate, his object was to provide for their creation, and with that view, he wished the subject to be referred to a permanent committee, to deliberate and regularly report thereon; that there was a universal sentiment in the country in favor of these great objects of domestic improvement; and that, whatever doubts might exist as to the Constitutional power of Congress to legislate on the subject, the States would never urge that objection, but would always cordially co-operate in objects so promotive of their advantage and convenience, &c. He was not, however, anxious to press the subject at this time, in the way he had proposed, in opposition to the wishes of gentlemen, and would therefore withdraw his motion.

On motion, by Mr. MASON of New Hampshire, the further consideration thereof was postponed until Monday next.

MONDAY, December 9.

ISHAM TALBOT, from the State of Kentucky, arrived on the 6th instant, and GEORGE W. CAMPBELL, from the State of Tennessee, arrived on the 7th, and severally attended this day.

The Senate resumed the consideration of the motion for amending the rules of the Senate so as to appoint at each session certain standing committees; and on motion by Mr. BARBOUR, it having been amended, on the question, "Shall this resolution be engrossed and read a third time?" it was determined in the affirmative.

On motion, by Mr. SANFORD, the consideration of the motions of the 4th instant, for referring the Message of the President of the United States to select committees, was further postponed until to-morrow.

On motion, by Mr. VARNUM, that the Message from the President of the United States, of the 6th instant, relative to the act "to authorize the payment for property lost, captured, or destroyed by the enemy, while in the military service of the United States, and for other purposes," be referred to a select committee to consider and report thereon.

On motion, by Mr. LACOCK, the further consideration thereof was postponed until Wednesday next.

Mr. BARBOUR gave notice that to-morrow he should ask leave to bring in a resolution proposing an amendment to the Constitution of the United States, relative to the compensation for the services of the Senators and Representatives.

COMPENSATION OF MEMBERS.

The Senate resumed the consideration of the motion of the 2d instant, relative to the repeal of the compensation law.

On motion, by Mr. TAIT, to amend the same by striking out from the word "That," in the 1st line, the remainder of the resolution, and inserting in lieu thereof, "a committee be appointed to inquire into the expediency of repealing or modifying the law passed the last session of Congress, entitled 'An act to change the mode of compensation to the members of the Senate and House of Representatives, and the Delegates from Territories," with leave to report by bill or otherwise.

It was determined in the affirmative—yeas 24, nays 5, as follows:

YEAS—Messrs. Ashmun, Barbour, Brown, Campbell, Chace, Condit, Daggett, Fromentin, Gaillard,

Hardin, Horsey, Howell, Hunter, Lacock, Mason of New Hampshire, Mason of Virginia, Morrow, Roberts, Talbot, Tait, Thompson, Tichenor, Wells, and Williams.

NAYS—Messrs. Macon, Ruggles, Sanford, Varnum, and Wilson.

The resolution having been agreed to as amended, Messrs. DAGGETT, FROMENTIN, and RUGGLES, were appointed the committee.

PUBLIC OFFICES.

The PRESIDENT communicated a report, made in obedience to a resolution of the Senate, of the 20th of April last, requiring the Secretaries of the Departments to report jointly to the Senate, in the first week of the next session of Congress, a plan to insure the annual settlement of the public accounts, and a more certain accountability of the public expenditure in their respective Departments; and the report was read.—It is as follows:

In obedience to the resolution of the Senate, of the 20th of April last, requiring the Secretaries of the Departments to report jointly to the Senate, in the first week of the next session of Congress, a plan to insure the annual settlement of the public accounts, and a more certain accountability of the public expenditure in their respective Departments: the undersigned have the honor to report—

That, in order to comply with the requisitions of the resolution, and to satisfy the just expectations of the Senate, it is necessary to inquire into the causes of the delay of the annual settlement of accounts, and the want of sufficient certainty in the accountability of the respective Departments, upon which the resolution is predicated.

An attentive review of the principles upon which the several Departments of the Government were originally organized, and of the changes which have successively been made in that organization, appears to be necessary at the threshold of this investigation.

By referring to the laws for organizing the several Departments of the Government, they will be found to be extremely general in their terms, leaving the distribution of the duties, and powers of the Secretaries, in a considerable degree to Executive regulation. The law organizing the Treasury Department, however, specifically refers to that Department the settlement of all public accounts. The pecuniary embarrassments by which the Government was pressed at that period, requiring a system of the most rigid economy in the public disbursements, could not fail to give peculiar force to the idea that the Department charged with the replenishment of the Treasury should have a direct control over the public expenditure. Under the influence of this idea, all purchases for supplying the army with provisions, clothing, supplies, in the Quartermaster's department, military stores, Indian goods, and all other supplies or articles for the use of the War Department, were, by Executive regulation, directed to be made by the Treasury Department.

The first important change which was made in the organization of the War Department, was effected by the act of the 8th of May, 1792, which created the office of accountant of that Department, and referred to that officer the settlement of all accounts relative to the pay of the Army, the subsistence of the officers, bounties to soldiers, expenses of the recruiting service, and the incidental and contingent expenses of the Department. The accounts settled by the accountant were to be certified quarterly, and sent to the accounting officers of the Treasury for their revision. This act continues with the Treasury Department the power of making, for the War Department, the purchases before enumerated.

On the 30th of April, 1798, the Navy Department was created. From the organization of the Government to this date, the Secretary of War executed the orders of the President in relation to the Navy. On the 16th of July, in the same year, the office of Accountant of the Navy was created, and the settlement of all accounts in the Navy Department was referred to that office. On the same day the power of the Treasury Department to make contracts for the War Department was rescinded, and all the accounts of that Department were, thenceforward, settled by the accountant.

The power of revision, both as to the accounts of the War and Navy Departments, was, and still is, reserved to the accounting officers of the Treasury. This power, however, from the period of the primary settlement of the accounts of the War and Navy Department, was withdrawn from the Treasury, ceased to be useful, and has been preserved merely for the sake of form. In the Treasury, balances or debts admitted on settlement, are paid only upon the report of the Auditor, confirmed by the Comptroller, whose decision is final. In the War and Navy Departments, the sums reported by the accountants to be due to individuals, are paid without waiting for the revision of the accounting officers of the Treasury. This practice, which has been adopted in some measure from necessity, is not believed to be incompatible with the provisions of the law requiring that revision. The Accountants of the War and Navy Departments are required to transmit quarterly all the accounts, which have been settled, to the Treasury Department for final revision. It could not have been the intention of Congress that an officer or an individual, to whom money was found to be due, by the report of the Accountant of either of those Departments, should wait for payment not only until the expiration of the charter, but until his accounts should be re-examined by the Auditor of the Treasury, and also by the Comptroller.

The delays to which this course would necessarily have led, must have produced a state of confusion, which, in a short period, could not have failed to have obstructed all the operations of the Government. On the other hand, it is manifest, that from the moment payments were made upon the settlement of the accountants, before the revisionary power of the Treasury officers was exercised, revision became useless. The leading feature of the organic laws of the Departments, that the settlement of the public accounts should exclusively rest with the Department, which was charged with the replenishment of the Treasury, was substantially abandoned. The form, indeed, was preserved, but the vital principle was extinguished.

It is probable that more importance was attached to this principle, by those who presided over the primary organization of the Departments, than it intrinsically merits. The power of the accounting officers, whether belonging to the Treasury Department, or to those in which the disbursements are made, to enforce economy in any branch of the public service, must necessarily be extremely limited.

In disbursements for the pay, subsistence, and

clothing of the Army, while rations are furnished by contracts, the most rigid economy may be easily enforced. In the Quartermaster's department, and where provisions are supplied by a commissariat, the accounting officers can exercise but a very limited control. The principal reliance of the Government for economy, in those Departments, must be upon the integrity of the persons employed. Over the contingent disbursements of the War and Navy Departments, which, in time of war, are considerable, and which, in all Governments, are extremely liable to abuse, the accounting officers have still less control. For economy in that branch of the public service, the heads of those Departments must be responsible to the nation. From this view of the subject, it appears not to be so important that the public accounts should be settled in the Treasury Department, as that they should be promptly and finally settled.

Whatever diversity of opinion may exist upon this subject, it is believed, that there can be none upon the propriety of either returning to the principle upon which the Departments were originally organized, of referring the settlement of all public accounts immediately to the Treasury Department, or of finally settling the accounts of the War and Navy Departments without the intervention of the accounting officers of the Treasury. The former has the recommendation of unity and simplicity in theory; and, it is believed, that no serious inconvenience will result from it in practice. The latter would insure the prompt and final settlement of the accounts of the several Departments, but might, possibly, lead to the establishment of different principles in the settlement of the public accounts in the respective Departments. Under judicious regulations, it is believed that the prompt and final settlement of the public accounts may be as effectually secured by the former, as by the latter modification.

Whichever modification may be adopted, an increase in the number of the accounting officers appears to be indispensable. From the year 1792, when the office of Accountant of the War Department was created, to the year 1798, when all the accounts of the War Department were referred for settlement to that officer, the military force of the United States was not so extensive as the present Military Peace Establishment. The duties assigned the Accountant at the former period was, as has been already stated, the settlement of all accounts relative to the pay of the Army, the subsistence of officers, bounties to soldiers, expenses of the recruiting service, and the contingent expenses of the War Department. The services required by that act, are believed to be sufficient to give full employment to one accounting officer. By the act of 1798, the settlement of the accounts relative to the subsistence of the Army, the Quartermaster's department, the clothing department, the purchase of arms and munitions of war, and to the Indian Department, were referred to the Accountant of the War Department.

The additional duties imposed upon the Accountant by this act have been so great, that some of the accounts of the War Department, nearly of the same date, remain still unsettled. It is, therefore, confidently believed, that the duties imposed upon the Accountant, by this act, require the undivided attention of another accounting officer.

In contemplation of the law, the Comptroller of the Treasury revises all the accounts of the Government, for the purpose of correcting the errors, both of fact and of law, which may have been committed by the accounting officers, to whom their settlement is, in the first instance, committed. He is likewise charged with the superintendence of the collection of the revenue arising from duties and tonnage, and directs the collection, by suit, of all debts due to the United States. It has been already stated, that the revision of the accounts settled by the accountants of the War and Navy Departments, by this officer, has always been merely nominal. The enumeration just given of the extent and variety of the duties imposed upon him, will satisfy every reflecting mind that they must continue to be so. Should this officer be relieved from the superintendence of the collection of imposts and duties, and of suits for the recovery of debts due the United States, by the assignment of those duties to another officer, still, it is believed, he would not be able to revise all the accounts of the Government, so as to be, in fact, the check upon the auditing officers which the law contemplates. When the office of Comptroller was created, and the duties of that officer prescribed, the Auditor of the Treasury was the only accounting officer whose acts he had to revise. At present, he has to revise the settlements made by three accounting officers; and according to the plan which it is the duty of the undersigned to propose, in order to insure the annual settlement of the public accounts, there will be five auditing or accounting officers, whose acts are to be revised. From this view of the subject, the appointment of an additional Comptroller appears to be indispensable.

It has been previously stated that the mass of business thrown upon the Accountant of the War Department, by the act of the 16th of July, 1798, has produced an arrearage in the settlement of the accounts of that Department, almost coeval with that date. This observation was intended to apply to the accounts appropriately belonging to the Department, arising from the administration of the Military Establishment. But the accounts of the Indian Department, without a solitary exception, have remained unsettled from that date to the present period. This has resulted from the fact, that the Secretary of War is substantially the auditor of all the Indian accounts. It is also his duty to inquire into and decide upon all claims exhibited by the citizens of the United States for property stolen or destroyed by the Indian tribes, to whom annuities are payable, and where they are proved to his satisfaction, to direct compensation to be made to the injured party, out of the annuity payable to the offending tribe. These duties, together with the examination of the contingent expenses of the Department, which must also receive his special sanction, if duly attended to, would leave him no time to devote to the more important and appropriate duties of his station. The consequence has been, that the Indian accounts have remained unsettled, and must continue so, until a different organization of the Department shall be effected.

It is obvious, to the mind of every reflecting man, that the duties imposed upon the Secretary of War, in relation to the Indian department, have no rational connexion with the administration of the military establishment. From the view that has been presented, it is conceived that the public interest requires that the Secretary of War should be relieved from further attention to those duties. It then becomes necessary to inquire whether those duties can, consistently with

the public interest, be assigned to either of the other departments. An examination into the duties required of those departments, it is confidently believed, cannot fail to produce the most decided conviction, that no additional duties ought to be imposed upon them, under their present organization. On the other hand, there is good reason to believe that the public interest would be promoted by relieving those departments of several branches of the public service, at present committed to their respective charges.

The retrenchments which, with great advantage to the public interest, might be made in the duties now imposed upon the Secretaries of the respective departments, and the General Post Office, would furnish ample employment for the head of another independent department.

An appropriate assignment of duties to the chief of the new department, would embrace the Territorial Governments, the Indian department, the General Post Office, roads and canals, and the Patent Office, and such other branches of the public service as may be deemed expedient.

But the defects in organization of the existing departments, are not the only reasons why the public accounts are not annually settled.

The want of power to compel those to whom the collection, or disbursement of the public money has been confided, to render their vouchers and settle their accounts, when required, has largely contributed to swell the list of unsettled accounts. The power of dismissing from office for misfeasance or nonfeasance in office, especially with the collecting officers, is sufficiently coercive, as long as the conduct of the officer will bear examination, and powerfully contributes to keep him in the line of his duty. But when the settlement of his accounts must expose his guilt, and especially when he has been dismissed from office, this coercion entirely ceases. With disbursing offices, and particularly in the Military Establishment, this mode of coercion is much more feeble. In that department, too, there is the strongest reason for the adoption of the most vigorous measures to bring to a prompt and final settlement those who have been intrusted with the disbursement of money, particularly in the Quartermaster's and Paymaster's department. Until the accounts of the Quartermaster General of an army, or of a military district, are settled, it is impossible to settle the accounts of the deputies and assistants, the barrackmasters, foragemasters' and quartermasters, employed with the same army, or in the same district. The same observation applies to the pay departments. Until the deputy paymaster general settles his accounts, or at least until he renders his vouchers, none of the district, assistant district paymasters, or regimental paymasters, can settle their accounts. This observation applies to the several grades in both Departments. Thus a single officer, who knows himself to be a public defaulter, may, by standing aloof, and by procrastinating the decision of law, after suit is brought, prevent, for years, the settlement of the accounts of other officers, who may be solicitous to adjust them.

It is the peculiar province of the Legislature to apply appropriate remedies for every evil, disclosed by the practical operations of the Government. The one now under consideration, taken in connexion with the inability of the accounting officers, to settle annually the public accounts, has produced more serious consequences to the National Treasury, than every other united. The conviction, on the part of an officer, that his accounts, cannot, or will not, be settled for years, presents a certain degree of impunity to embezzlement, and powerfully tempts to the commission of it. The necessity of resorting to an action at law to enforce the settlement of accounts, or to recover money embezzled by an officer, ought to be avoided, if it can be done consistently with the provisions of the Constitution. In some of the States this necessity is avoided, the public money retained by a revenue officer, being collected by execution issued by the State treasurer. If this or a similar principle could be acted upon by the United States, embezzlement would not be frequent.

In conformity with these preliminary observations, the undersigned respectfully propose, that it is expedient—

First. That another independent Department of the Government be organized to be denominated the "Home Department."

That the Secretary of this Department shall execute the orders of the President in relation to,

1. The Territorial governments.
2. The National Highways and Canals.
3. The General Post Office.
4. The Patent Office.
5. The Indian Department.

Second. That the primary and final settlement of all accounts be made in the Treasury Department, and that the organization of that Department be modified, so as to authorize the appointment of

1. Four additional Auditors.
2. One additional Comptroller.
3. One Solicitor.
4. That the Mint Establishment be placed under the direction of the Treasury Department.

Third. That the office of Accountant of the War and Navy Department, and of the Superintendent General of Military Supplies, be abolished.

Fourth. That the survey of the coast be confided to the Navy Department.

According to the modification here recommended, the

First Auditor will be charged with the settlement of the public accounts, accruing in the Treasury Department.

Second Auditor will be charged with the settlement of all accounts relative to the pay and clothing of the Army, the subsistence of the officers, bounties and premiums, the recruiting service, and the contingent expenses of the War Department.

Third Auditor will be charged with the settlement of all accounts, relative to the Army, the Quartermaster's department, the Hospital department, and the Ordnance department. Both of these Auditors will keep the property account connected with those branches of service, in the War Department, confided to them, respectively.

Fourth Auditor will be charged with the settlement of all accounts relative to the Navy Department. And the

Fifth Auditor will be charged with the settlement of all accounts relative to the State and Home departments.

The First Comptroller being relieved from directing and superintending the recovery by suits of all debts due the Government, will revise all accounts settled by the First and Fifth Auditor.

Second Comptroller will revise all settlements made by the Second, Third, and Fourth Auditors.

The Solicitor of the Treasury will be charged with

the recovery of the debts due the Government, according to the forms prescribed by law.

It is probable that experience will suggest the propriety of making changes in the distribution of duties among the accounting officers of the Treasury. In order that they may be done with facility, and as they shall be discovered to be necessary, it is respectfully recommended that the whole subject be left to Executive regulation.

With this organization of the Departments, the check contemplated by the revision of the Comptroller will be as effectual as it can be made. Money will then be paid in all the Departments upon the settlement of an auditor, only after it has been revised and approved by a comptroller.

If the Departments should be thus organized and vested with sufficient power to compel all officers employed in the collection or disbursement of the public money to render their vouchers and settle their accounts, the annual settlement of the public accounts will be insured, and a more certain accountability established in the respective Departments.

If the officer intrusted with the recovery of money improperly detained by public officers was authorized to issue an execution for the sum appearing to be due, either upon settlement or upon the failure to settle, when called upon for that purpose; and that the execution so issued should be satisfied by the distress and sale of all the delinquent's property, and that of his securities, one of the most formidable obstacles to the annual settlement of the public accounts would be surmounted.

It is believed that there is no Constitutional objection to the adoption of the principle, in relation to the officers of the Government, who improperly withhold the public money. Under the law imposing the direct tax, the collector, on default of payment, is authorized to make the amount due by the levy and sale of the defaulter's property. In this case there is, on the part of the defaulter, nothing but a breach of the general implied obligation, which every citizen owes to the community, to contribute to the wants of the State, in proportion to the property which he possesses. This breach may frequently be the result of inevitable necessity, and but seldom brings his integrity in question. In the case of the delinquent officer, there is, in most cases, a direct breach of special confidence, involving the odious charge of peculation or embezzlement. Is there any reason why the remedy of the Government should be more summary in the former than in the latter case? Is there not, on the contrary, a clear distinction between the two cases, entirely in favor of the tax defaulter? Can it be considered more important to the community that the revenue should be rigidly collected, than that it should be faithfully and honestly disbursed? Has the difference in the remedy arisen from the consideration, that the one has withheld from the Government a hundred cents, which he ought to have paid, whilst the other has embezzled a thousand dollars of the public money, thus summarily collected!

There can be no doubt that the different remedies in the two cases have resulted from the want of sufficient reflection, and not from design. The subject is now presented to the view of the Senate, and no doubt is entertained that that enlightened body will satisfy the demands of reason and justice. It may be proper to observe, that the principle now recommended has been applied by the laws laying direct taxes to the collectors of the internal revenue. The Legislature, in relation to that class of officers, has even authorized the arrest and imprisonment of collectors who fail to collect, or neglect to pay after collection; and the seizure and sale of the property, real and personal, of his securities during their imprisonment. As the principle has already been applied to cases arising out of the collection of the revenue, it is respectfully conceived that reasons more cogent call for its application to the disbursing officers of the Government. The different rules established in relation to those two classes of officers, if persevered in, cannot fail to present the idea, that the Government is more astute in devising means to raise and collect revenue, than in enforcing a faithful application of it, when collected.

JAMES MONROE,
WM. H. CRAWFORD,
GEO. GRAHAM,
Acting Sec'ry of War.
B. W. CROWNINSHIELD.

DECEMBER, 1815.

Hon. JOHN GAILLARD,
President pro tem. of the Senate.

TUESDAY, December 10.

Mr. WILLIAMS called up the petition of Alfred M. Carter, of Tennessee, on behalf of himself and the other heirs of his deceased father, Landon Carter, praying payment for an unliquidated loan-office certificate for five hundred dollars, as stated in the petition; which was read.

The resolution for the appointment of standing committees was read a third time and passed, as follows:

Resolved, That it shall be one of the rules of the Senate that the following standing committees be appointed at each session.

A Committee on Foreign Relations.
A Committee on Finance.
A Committee on Commerce and Manufactures.
A Committee on Military Affairs.
A Committee on the Militia.
A Committee on Naval Affairs.
A Committee on Public Lands.
A Committee of Claims.
A Committee on the Judiciary.
A Committee on the Post Office and Post Roads, and
A Committee on Pensions.

Agreeably to notice, Mr. BARBOUR asked and obtained leave to bring in the following resolution, which was read:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States, which, when ratified by the Legislatures of three-fourths of the States, shall be valid, to all intents and purposes, as a part of the said Constitution: No law varying the compensation for the services of the Senators and Representatives shall take effect until an election of Representatives shall have intervened.

Ordered, That it pass to the second reading.

The Senate adjourned.

WEDNESDAY, December 11.

Mr. VARNUM communicated the instructions of the Legislature of the Commonwealth of Massachusetts to their Senators in Congress, to use their influence to effect the repeal of the act, passed the nineteenth day of March last, changing the mode and increasing the compensation of members of Congress; which were read.

Mr. VARNUM withdrew his motion for referring to a select committee the Message of the President of the United States, of the 5th instant, relative to the act to authorize the payment for property lost, captured, or destroyed by the enemy, while in the military service of the United States, and for other purposes.

The resolution to amend the Constitution of the United States, relative to the compensation of members of Congress, was read a second time, and referred to a select committee, to consist of five members, to consider and report thereon; and Messrs. BARBOUR, ROBERTS, DAGGETT, MASON, of New Hampshire, and BROWN, were appointed the committee.

THURSDAY, December 12.

ROBERT H. GOLDSBOROUGH, from the State of Maryland, arrived on the 11th, and attended this day.

GEORGE M. TROUP, (who arrived on the 11th instant,) appointed a Senator by the Legislature of the State of Georgia, to fill the vacancy occasioned by the resignation of William W. Bibb, produced his credentials, was qualified, and he took his seat in the Senate.

The credentials of GEORGE M. TROUP, appointed a Senator by the Legislature of the State of Georgia, for the term of six years, commencing on the 4th day of March next, were also read, and laid on file.

The oath prescribed by law was administered to JAMES NOBLE and WALLER TAYLOR, respectively, appointed Senators by the Legislature of the State of Indiana; their credentials having been read and filed on the 2d instant, they took their seats in the Senate.

On motion, by Mr. MORROW,

Resolved, That the Senate proceed to ascertain the classes in which the Senators of the State of Indiana shall be inserted, in conformity to the resolution of the 14th of May, 1789, and as the Constitution requires.

On motion, by Mr. MORROW,

Ordered, That the Secretary put into the ballot box three papers, of equal size, numbered 1, 2, and 3; each of the said Senators shall draw out one paper. No. 1, if drawn, shall entitle the member to be placed in the class of Senators whose terms of service will expire on the 3d of March, 1817; No. 2, in the class whose terms will expire on the 3d of March, 1819; and No. 3, in the class whose terms will expire on the 3d of March, 1821.

Whereupon, the numbers abovementioned were, by the Secretary, rolled up and put into the box; when Mr. NOBLE drew No. 3, and is accordingly of the class of Senators whose terms of service will expire on the 3d of March, 1821; and Mr. TAYLOR drew No. 2, and is accordingly of the class whose terms of service will expire on the 3d of March, 1819.

FRIDAY, December 13.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the relief of Nathaniel Williams," in which they request the concurrence of the Senate.

The bill last mentioned was read and passed to the second reading.

STANDING COMMITTEES.

On motion of Mr. BARBOUR, the Senate proceeded to the appointment of the following Standing Committees, agreeably to the resolution of the 10th instant. And,

Messrs. Barbour, Macon, King, Dana, and Lacock, were appointed the Committee on Foreign Relations.

Messrs. Campbell, Mason, of New Hampshire, Thompson, King, and Troup, were appointed the Committee on Finance.

Messrs. Hunter, Sanford, Roberts, and Mason, of New Hampshire, were appointed the Committee on Commerce and Manufactures.

Messrs. Williams, Mason, of Virginia, Troup, Condit, and Hardin, were appointed the Committee on Military Affairs.

Messrs. Varnum, Tichenor, Lacock, Mason, of Virginia, and Williams, were appointed the Committee on the Militia.

Messrs. Tait, Howell, Sanford, Fromentin, and Daggett, were appointed the Committee on Naval Affairs.

Messrs. Morrow, Brown, Taylor, Noble, and Goldsborough, were appointed the Committee on Public Lands.

Messrs. Roberts, Wilson, Goldsborough, Tichenor, and Mason, of Virginia, were appointed the Committee of Claims.

Messrs. Chace, Talbot, Hunter, and Tait, were appointed the Committee on the Judiciary.

Messrs. Wilson, Ashmun, Thompson, Talbot, and Chace, were appointed the Committee on the Post Office and Post Roads: And,

Messrs. Howell, Varnum, Condit, Wells, and Roberts, were appointed the Committee on Pensions.

REFERENCE OF THE MESSAGE.

The Senate resumed the consideration of the motions of the 4th instant, for referring the Message of the President of the United States to select committees, which, having been amended, were agreed to as follows:

Resolved, That so much of the Message of the President of the United States as relates to foreign affairs, be referred to the Committee on Foreign Relations, with leave to report by bill or otherwise.

Resolved, That so much of the Message of the President of the United States as relates to manufactures, and to navigation and commerce, be referred to the

Committee on Commerce and Manufactures, with leave to report by bill or otherwise.

Resolved, That so much of the Message of the President of the United States as relates to the militia, be referred to the Committee on the Militia, with leave to report by bill or otherwise.

Resolved, That so much of the Message of the President of the United States as relates to weights and measures, be referred to a select committee, with leave to report by bill or otherwise.

Messrs. DANA, HARDIN, MORROW, KING, and RUGGLES, were appointed the committee.

Resolved, That so much of the Message of the President of the United States as relates to a National University, be referred to a select committee, with leave to report by bill or otherwise.

Messrs. BROWN, DAGGETT, MASON, of New Hampshire, CONDIT, and GOLDSBOROUGH, were appointed the committee.

Resolved, That so much of the Message of the President of the United States as relates to roads and canals, be referred to a select committee, with leave to report by bill or otherwise.

Messrs. HORSEY, MORROW, LACOCK, ASHMUN, and FROMENTIN, were appointed the committee.

Resolved, That so much of the Message of the President of the United States as relates to the slave trade, be referred to to a select committee, with leave to report by bill or otherwise.

Messrs. HORSEY, RUGGLES, TAIT, HARDIN, and DAGGETT, were appointed the committee.

Resolved, That so much of the Message of the President of the United States as relates to crimes and offences, and to the Judiciary Establishment, be referred to the Committee on the Judiciary, with leave to report by bill or otherwise.

Resolved, That so much of the Message of the President of the United States as relates to an additional Executive Department, and to the office of Attorney General, be referred to a select committee, with leave to report by bill or otherwise.

Messrs. SANFORD, MACON, WILLIAMS, DAGGETT, and MASON, of New Hampshire, were appointed the committee.

Resolved, That so much of the Message of the President of the United States as relates to the finances, and a national currency, be referred to the Committee on Finance, with leave to report by bill or otherwise.

And, on motion, the House adjourned until Monday.

MONDAY, December 16.

MONTFORT STOKES, who arrived on the 13th instant, appointed a Senator by the Legislature of the State of North Carolina, to fill the vacancy occasioned by the resignation of James Turner, produced his credentials, was qualified, and he took his seat in the Senate.

The credentials of MONTFORT STOKES, appointed a Senator by the Legislature of North Carolina, for the term of six years, commencing on the 4th day of March next, were read, and ordered to lie on file.

Mr. TROUP presented the petition of William Little, a citizen of New York, praying a law may be passed granting him a patent for an improved mode of preparing and refining sugar; which was read, and referred to the Committee on Commerce and Manufactures, with leave to report by bill or otherwise.

Mr. DAGGETT presented the petition of Thomas Law and others, inhabitants of the City of Washington, praying the division and sale of certain open squares in said city; which were read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. DAGGETT, GOLDSBOROUGH, and MASON of Virginia, were appointed the committee.

On motion by Mr. WILLIAMS, the petition of Alfred M. Carter was referred to the Committee of Claims, to consider and report thereon, by bill or otherwise.

Mr. VARNUM called up the petition of Sarah Jarvis and others, praying payment of the balance which may be found due to Leonard Jarvis, deceased, for services during the Revolutionary war; which was read, and referred to the Committee of Claims, to consider and report thereon by bill or otherwise.

Mr. MASON, of Virginia, submitted the following motion for consideration:

Resolved, That it shall be one of the orders of the Senate, that there be appointed, at each session, a standing committee for the District of Columbia.

Ordered, That it pass to the second reading.

Mr. LACOCK submitted the following motion for consideration:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of dividing the State of Pennsylvania into two judicial districts, and establishing a district and circuit court of the United States at the city of Pittsburg, in the county of Alleghany.

Mr. WILLIAMS submitted the following motion for consideration:

Resolved, That a committee be appointed to inquire into the expediency of amending the law regulating the intercourse with the Indian tribes, and that the committee have leave to report by bill or otherwise.

Mr. CHASE presented the petition of the President and Directors of the Bank of the Metropolis, praying an act of incorporation.—Referred to the Committee on Finance, to consider and report thereon, by bill or otherwise.

The Senate resumed the consideration of the motion of the 4th instant, which, having been modified, was agreed to as follows:

Resolved, That the Committee on Finance be instructed to inquire into the expediency of requiring the Directors of the Bank of the United States to establish a competent office of discount and deposite within the City of Washington, in the District of Columbia; and that they have leave to report by bill or otherwise.

The bill, entitled "An act for the relief of Nathaniel Williams," was read the second time, and referred to the Committee of Claims, to consider and report thereon.

On motion by Mr. WILSON, the Senate pro-

ceeded to the appointment of a Chaplain, on their part, in the place of the Reverend John Glendy, who declines the appointment; and, on the ballots having been counted, it appeared that the Reverend SERENO E. DWIGHT had a majority, and was elected.

TUESDAY, December 17.

Mr. DAGGETT presented the memorial of the President and Directors of the Patriotic Bank of Washington, praying a charter of incorporation.—Referred to the Committee on Finance, to consider and report thereon, by bill or otherwise.

Mr. ROBERTS, from the Committee of Claims, to whom was referred the bill, entitled "An act for the relief of Nathaniel Williams," reported it without amendment, and the bill was considered as in Committee of the Whole, and passed to a third reading.

The resolution for the appointment of a standing Committee for the District of Columbia, was read the second time, and considered as in Committee of the Whole, and ordered to be engrossed and read a third time.

The Senate resumed the consideration of the motion of the 16th instant, which, having been modified, was agreed to as follows:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of amending the law regulating the intercourse with the Indian tribes, and that the committee have leave to report by bill or otherwise.

The Senate resumed the consideration of the motion of the 16th instant, for instructing the Committee on the Judiciary to inquire into the expediency of dividing the State of Pennsylvania into two judicial districts, and establishing a district and circuit court of the United States at the city of Pittsburg in the county of Alleghany, and agreed thereto.

On motion of Mr. SANFORD, the joint report from the Secretaries of the different Departments respecting the annual settlement of the public accounts, was referred to the committee to whom was referred so much of the Message of the President of the United States as relates to an additional Executive Department, and to the office of Attorney General, to consider and report thereon, by bill or otherwise.

On motion by Mr. MORROW, the committee appointed to inquire whether any, and, if any, what legislative measures may be necessary for admitting the State of Indiana into the Union, or for extending the laws of the United States to that State, were discharged from the further consideration thereof. And on his motion, the Committee on the Judiciary were instructed to inquire and report the provisions necessary to give effect to the laws of the United States within the State of Indiana, and that they have leave to report by bill or otherwise.

WEDNESDAY, December 18.

Mr. BROWN presented the petition of the heirs and executors of Ignace Delino, late of the State of Louisiana, praying compensation for certain property destroyed by order of General Jackson, during the invasion of that State by the British.—Referred to the Committee of Claims.

Mr. MASON, of Virginia, presented the petition of the President and Directors and Company of the Central Bank of Georgetown and Washington, praying a charter of incorporation.—Referred to the Committee on Finance.

Mr. RUGGLES presented the petition of Thomas Riddle, praying compensation for the loss of clothing while a volunteer in the service of the United States.—Referred to the Committee of Claims.

Mr. RUGGLES presented the petition of Edward Van Horn, of Harrison county, in the State of Ohio, praying remuneration for losses and injuries sustained while in the militia service of the United States.—Referred to the Committee of Claims.

Mr. RUGGLES also presented the petition of certain citizens of Harrisville, in the State of Ohio, praying the establishment of a mail route, upon a plan suggested in the petition.—Referred to the Committee on Post Offices and Post Roads.

Mr. MORROW presented the petition of William Edwards, of Warren county, in the State of Ohio, praying indemnification for certain services as a surveyor.—Referred to the Committee of Claims.

Mr. GOLDSBOROUGH presented the memorial of the representatives of the yearly meeting of the religious society of Friends, held in Baltimore praying some further provision by law for suppressing the progress of a traffic in negroes and people of color, from the Middle and Southern States, as represented in the memorial.—Referred to the committee to whom was referred so much of the Message of the President of the United States as relates to the slave trade.

Mr. MORROW, submitted the following motion for consideration:

Resolved, That the Committee on the Public Lands be directed to inquire into the expediency of authorizing the reprinting of the collection of land laws, made under the authority of the United States, with the addition of the laws passed on that subject since the said collection was made, digested and arranged in convenient order; and that they report by bill or otherwise.

Mr. SANFORD submitted the following motion for consideration:

Resolved, That the Secretary of the Treasury lay before the Senate a statement of all the moneys which have been collected, by virtue of the laws for the relief of sick and disabled seamen; a statement of the expenditure and application of those moneys, comprehending the objects of expenditure, and a general view of the administration of the fund for the relief of sick and disabled seamen; and also, such information as he may possess, tending to show how far the moneys collected under the laws now in force, are sufficient or insufficient for the relief of sick and disabled seamen of the United States.

The resolution for the appointment of a standing Committee for the District of Columbia, was read a third time, and passed.

Mr. MASON, of Virginia, Mr. GOLDSBOROUGH, Mr. MACON, Mr. DAGGETT, and Mr. STOKES, were appointed the committee.

The bill entitled, "An act for the relief of Nathaniel Williams," was read a third time, and passed.

THURSDAY, December 19.

SAMUEL W. DANA, from the State of Connecticut, arrived on the 18th, and attended this day.

The PRESIDENT communicated the report of the Secretary for the Department of War, showing the application of moneys which have been transferred, by order of the President of the United States, from several of the appropriations to other appropriations, for the support of the Military Establishment, since the last session of Congress; and the report was read.

Mr. LACOCK presented the petition of Sarah Dewees, of the State of Pennsylvania, in behalf of herself and others, praying remuneration for the loss of property destroyed by a detachment of the British army, on the 17th and 18th of September, 1777, belonging to William Dewees, her late husband, and for other injuries sustained by him, as stated in the petition.—Referred to the Committee of Claims.

On motion by Mr. BARBOUR, Alexander Smyth had leave to withdraw his letter, communicated 21st February, 1814, together with the accompanying documents.

The Senate resumed the consideration of the motion of the 18th instant, directing the Secretary of the Treasury to communicate information respecting the fund for the relief of sick and disabled seamen; and agreed thereto.

The Senate resumed the consideration of the motion of the 18th instant, instructing the Committee on the Public Lands to inquire into the expediency of reprinting the land laws; and agreed thereto.

FRIDAY, December 20.

A message from the House of Representatives informed the Senate that the House have passed a bill entitled "An act for the relief of Luther Bingham." Also a bill, entitled "An act supplementary to 'An act to regulate the duties on imports and tonnage." In which bills they request the concurrence of the Senate.

The two bills last mentioned were read, and severally passed to the second reading.

Mr. MORROW, submitted the following motion for consideration:

Resolved, That the Committee on the Public Lands be directed to inquire into the expediency of providing, by law, for the reservation from sale of such portions of the public lands producing the live-oak and red cedar timbers, as may be necessary to afford a sufficient supply of those timbers for public naval architecture, and, also, the measures proper for preventing waste and damage on the same; and that they report by bill or otherwise.

Mr. VARNUM called up the petition of Joseph Marquand, collector of the revenue at Newburyport, praying an increase of compensation for his services.—Referred to the Committee of Commerce and Manufactures.

MONDAY, December 23.

The PRESIDENT communicated the report of the Secretary of the Treasury, prepared in obedience to the act supplementary to an act, entitled "An act to establish the Treasury Department;" and the report was read, and referred to the Committee on Finance.

Mr. VARNUM presented the petition of Richard Callahan, praying an increase of his pension, for reasons stated in his petition.—Referred to the Committee on Pensions.

Mr. CAMPBELL submitted the following motion for consideration:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of providing by law for authorizing those who hold titles, derived from the State of North Carolina, to lands in that part of the State of Tennessee to which the Indian claim has not yet been extinguished, to have the boundaries of their said claims ascertained and re-marked, or otherwise identified, in order that the evidence to support the same may be perpetuated.

Mr. BROWN presented the petition of Anthony Cavalier and Peter Petit, of the State of Louisiana, praying the confirmation of their title to a certain tract of land in said State.—Referred to the Committee on Public Lands.

The bill, entitled "An act for the relief of Luther Bingham," was read the second time, and referred to the Committee of Claims.

The bill, entitled "An act to regulate the duties on imports and tonnage," was read the second time, and referred to the Committee on Commerce and Manufactures.

Mr. ROBERTS, from the Committee of Claims, to whom was referred the petition of Alfred M. Carter, reported a bill for the relief of the heirs of Landon Carter; and the bill was read, and passed to the second reading.

The Senate resumed the consideration of the motion of the 20th instant, for instructing the Committee on the Public Lands to inquire into the expediency of providing by law for the reservation, from sale, of lands producing live-oak and red cedar timbers; and agreed thereto.

Mr. GOLDSBOROUGH, from the Committee of Claims, to whom was referred the petition of Thomas Riddle, made a report, together with the following resolution:

Resolved, That the petitioner have leave to withdraw his petition.

TUESDAY, December 24.

The credentials of MARTIN D. HARDIN, appointed a Senator by the Legislature of the State of Kentucky, to fill the vacancy occasioned by the resignation of William T. Barry, were read; and the oath prescribed by law was administered to him.

Mr. GOLDSBOROUGH presented the petition of John Tyler and Trueman Tyler, executors of Thomas Turner, late Accountant of the Navy, praying compensation for extra services rendered in relation to the Navy Pension Fund.—Referred to the Committee on Naval Affairs.

Mr. RUGGLES presented the memorial of Samuel Sprigg, praying a patent may issue to him for a tract of land in the State of Ohio.—Referred to the Committee on the Public Lands.

On motion, by Mr. ROBERTS, the Committee of Claims, to whom was referred the bill, entitled "An act for the relief of Luther Bingham," were discharged from the further consideration thereof; and the petition of Luther Bingham, together with the accompanying documents, was referred to the Secretary of the Treasury.

Mr. RUGGLES submitted the following motion for consideration:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of increasing the salaries of the Register of the Land Office, and the Receiver of Public Moneys, in the district of Marietta, in the State of Ohio.

The Senate resumed the consideration of the motion of the 23d instant, for perpetuating certain land-marks, which having been amended, was agreed to, as follows:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of providing by law for authorizing those who hold titles, derived from the State of North Carolina, Virginia, or Kentucky, to lands in that part of the State of Tennessee or Kentucky to which the Indian claim has not yet been extinguished, to have the boundaries, or other land marks, of their claims ascertained and re-marked, or otherwise identified; in order that the evidence to support the same may be perpetuated.

The Senate resumed the consideration of the report of the Committee of Claims, on the petition of Thomas Riddle; and, on motion of Mr. ROBERTS, the further consideration thereof was postponed until the first Monday in January next.

The bill for the relief of the heirs of Landon Carter was read the second time, and considered as in Committee of the Whole; and ordered to be engrossed and read a third time.

Mr. NOBLE submitted the following motion for consideration:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from the town of Hamilton, in the State of Ohio, by Brookville, in Franklin county, State of Indiana; from thence up the west fork of White water, by Connersville; from thence to Waterloo; from thence to Salisbury, by the way of Centersville, in the county of Wayne; from thence to Dunlap's Mill, on the east fork of White water; from thence to the town of Fairfield, by the way of the town of Bath; from thence to the aforesaid town of Brookville.

Mr. GOLDSBOROUGH presented the petition of William Ridgely, of Georgetown, in the District of Columbia, praying that certain bonds, given for an alleged violation of the non-importatin law, may be cancelled and restored to him; and the petition was read, and referred to the Committee on Commerce and Manufactures.

And then, on motion, the Senate adjourned until to-morrow.

THURSDAY, December 26.

Mr. WILSON submitted the following motion for consideration:

Resolved, That the President of the United States be requested to communicate to the Senate such information as he may possess concerning the progress made in surveying the several tracts of military bounty lands, and the probable time at which said survey will be completed.

Mr. TAIT submitted the following motion for consideration:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of authorizing, by law, the exchange of territory with any of the Indian tribes; and that the said committee have leave to report by bill or otherwise.

The Senate resumed the motion of the 24th instant, for instructing the Committee on Public Lands to inquire into the expediency of increasing the salaries of the Register and Receiver of Public Moneys in the district of Marietta; and agreed thereto.

The Senate resumed the consideration of the motion of the 24th instant, for instructing the Committee on the Post Office and Post Roads to inquire into the expediency of establishing a certain post route; and agreed thereto.

The bill for the relief of the heirs of Landon Carter was read a third time, and passed.

FRIDAY, December 27.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of
Representatives of the United States:

It is found that the existing laws have not the efficacy necessary to prevent violations of the obligations of the United States, as a nation at peace, towards belligerent parties, and other unlawful acts on the high seas, by armed vessels equipped within the waters of the United States.

With a view to maintain more effectually the respect due to the laws, to the character, and to the neutral and pacific relations of the United States, I recommend to the consideration of Congress the expediency of such further legislative provisions as may be requisite for detaining vessels actually equipped, or in a course of equipment, with a warlike force, within the jurisdiction of the United States; or, as the case may be, for obtaining from the owners or commanders of such vessels, adequate securities against the abuse of their armaments, with the exceptions, in such provisions, proper for the cases of merchant vessels furnished with the defensive armaments usual on distant and dangerous expeditions; and of a private commerce in military stores permitted by our law, and which the law of nations does not require the United States to prohibit.

JAMES MADISON.

DECEMBER 26, 1816.

The Message was read, and, on motion by Mr. ROBERTS, referred to the Committee on Foreign Relations, to consider and report thereon, by bill or otherwise.

Mr. ROBERTS presented the petition of James

Humes, collector of internal revenue for the sixth collection district of Pennsylvania, praying to be allowed, in the settlement of his public account, for the fourth quarter of the year 1814, the sum of $1,142 53; being a commission charged in said account, but not allowed at the Treasury, because the receipts upon which it accrued were not deposited in bank to the credit of the United States until the 3d of January, 1815, for reasons stated in the petition; which was read, and referred to the Committee on Finance, to consider and report thereon, by bill or otherwise.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act directing the discharge of John Ricaud from imprisonment;" and a bill entitled "An act directing the discharge of Nathaniel Taft from imprisonment;" in which bills they request the concurrence of the Senate.

The two bills last brought up for concurrence were severally read, and passed to the second reading.

The Senate proceeded to consider the motion yesterday submitted by Mr. WILSON, and agreed thereto, amended as follows:

Resolved, That the President of the United States be requested to communicate to the Senate such information as he may possess concerning the progress made in surveying the several tracts of military bounty lands, appropriated for the late Army of the United States, and the probable time at which such survey will be completed.

The Senate proceeded to consider the motion of yesterday, to instruct the Committee on Public Lands to inquire into the expediency of authorizing the exchange of territory with any of the Indian tribes; and agreed thereto.

Mr. TROUP submitted the following motion for consideration:

Resolved, That the Committee of Claims be instructed to inquire into the expediency of authorizing, by law, the payment to the State of Georgia of certain claims for the services of militia, called out under the authority of the United States, during the years 1792 and 1793, for the defence of the said State against Indian invasion.

Mr. DANA submitted the following motion for consideration:

Resolved, That the Committee of Foreign Relations be instructed to consider the propriety of making provision, by law, for declaring the extent of the maritime precincts of the United States, and for the safeguard of friendly vessels which may be within the same.

The Senate adjourned to Monday.

MONDAY, December 30.

RUFUS KING, from the State of New York, arrived on the 27th instant, and attended this day.

The PRESIDENT communicated the memorial of the Legislative Council and House of Representatives of the Mississippi Territory, praying that the said Territory may be admitted as a State into the Union, on an equal footing with the original States, for the reasons stated in the memorial; which was read.

He also communicated a report of the Secretary of the Treasury, on the petition of Luther Bingham, and the report and documents were read.

He also communicated a report of the Acting Secretary for the Department of War, comprehending a statement of the expenditure and application of such sums of money as have been drawn from the Treasury by the Secretary of War, from the 1st of October, 1815, to the 30th of September, 1816, inclusive, conformably to the act "further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments," passed the 3d of March, 1809; and the report was read.

The Senate proceeded to consider the motion of the 27th instant, instructing the Committee of Claims to inquire into the expediency of authorizing the payment to the State of Georgia for militia services in 1792 and 1793; and agreed thereto.

The bill entitled "An act directing the discharge of Nathaniel Taft from imprisonment," was read the second time, and referred to the Committee of Claims.

The bill entitled "An act directing the discharge of John Ricaud from imprisonment," was read the second time, and referred to the Committee of Claims.

Mr. TAIT submitted the following motion for consideration:

Resolved, That the Senate will, on Thursday next, proceed to the appointment of an Assistant Doorkeeper.

TUESDAY, December 31.

Mr. DAGGETT presented the petition of Amasa Porter and others, grocers in the city of New Haven and its vicinity, praying the repeal of the bill, entitled "An act laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise."—Referred to the Committee on Finance, to consider and report thereon by bill or otherwise.

Mr. DAGGETT also presented the petition of Joel Cook, of New Haven, in the State of Connecticut, who was a Captain in the fourth regiment of United States infantry in the late war with Great Britain, praying a pension.—Referred to the Committee on Pensions.

Mr. ROBERTS, from the committee to whom was referred the petition of Robert Kidd, made a report, together with the following resolution:

"*Resolved*, That the prayer of the petition ought not to be granted."

The report and resolution were read.

Mr. LACOCK presented the petition of John Semple, and others, inhabitants of Pennsylvania, praying an alteration in the route of the Cumberland road.—Referred to the Committee on Roads and Canals.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of Luther Bingham;" and on the question, "Shall this bill be read a third time?" it

was determined in the negative. So the bill was rejected.

The Senate resumed the consideration of the motion of the 30th instant, to proceed on Thursday next to the appointment of an Assistant Doorkeeper; and agreed thereto.

Mr. SANFORD submitted the following motion for consideration:

Resolved, That the Committee of Commerce and Manufactures be instructed to inquire into the expediency of establishing, by law, uniform rates of damages and interest, in cases of protests of foreign bills of exchange.

Mr. NOBLE submitted the following motion for consideration:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of providing, by law, for the division of a certain proportion of the quarter sections of the public lands.

MARITIME PRECINCTS.

The Senate resumed the consideration of Mr. DANA'S motion to instruct the Committee of Foreign Relations to consider the propriety of making provision, by law, for declaring the extent of the maritime precincts of the United States, and for the safeguard of friendly vessels, which may be within the same.

Mr. DANA offered a few remarks on the necessity of instituting the inquiry he proposed. One of the first and most interesting processions which ever took place in this country, he said, occurred at New York, on the death of an American citizen, killed by a British vessel within the waters of the United States—he alluded to the case of Pierce, who was shot within a mile, even in sight, of the shore; yet, on that occasion, the question arose whether the act was committed within the jurisdiction of the United States, and was tried before a British naval court. From that time to this no effectual attempt had been made to adopt measures of protection, or to prevent the recurrence of such outrages—he meant no legislative attempt, where alone it was proper. He did not allude to negotiations, or any Executive measures; nor did he conceive it the business of the Executive, under our Constitution, to meddle with the subject; our Executive could not, like the King of England, make any regulations regarding our jurisdiction. Mr. D. said, in England, they did not confine their jurisdiction to one league from shore; nor did they limit it by law; they measured their jurisdiction by their cannon—by cannon afloat; and more than a century ago the English had taken the proper steps to protect their honor from insult. Mr. D. called the recollection of the Senate to a correspondence on this subject, under the Administration of General WASHINGTON, which might readily be referred to, when it was decided that it was not prudent to claim jurisdiction beyond one league from land. It was, Mr. D. thought, consistent now with our character, and the situation of our country, that our jurisdiction should not be confined to a marine league. Very often, when our vessels were coasting and passing the headlands, they were more than a league from shore, yet would any one consider them beyond the pale of our protection? No, he said, they were still within the limits of our court-yard, though it might not be enclosed, and it was our business to prevent any disturbance there. The proper peace-officers of that yard were the officers of our navy, who were able and willing to preserve peace there.

The resolution was then agreed to *nem. con.*

The Senate adjourned to Thursday.

THURSDAY, January 2, 1817.

ALEXANDER CONTEE HANSON, appointed a Senator by the Legislature of the State of Maryland, to fill the vacancy occasioned by the resignation of Robert G. Harper, produced his credentials, was qualified, and he took his seat in the Senate.

The PRESIDENT communicated a report of the Secretary of the Treasury, made in obedience to the resolution of the Senate of the 27th ultimo, containing the information required, concerning the progress made in surveying military bounty lands, and the report was read.

The Senate went into the consideration of the resolution offered by Mr. SANFORD, on Tuesday, to inquire into the expediency of establishing, by law, uniform rates of damages and interest in cases of protests of foreign bills of exchange.

Mr. SANFORD submitted a few remarks to show the competency of the Government to regulate the amount of protests in the cases specified in the resolution, and the necessity of providing some uniform rule on a subject which varied now so much in the different courts of the Union; after which the resolution was agreed to without objection.

The Senate resumed the consideration of the motion of the 31st ultimo, instructing the Committee on Public Lands to inquire into the expediency of providing, by law, for the division of a certain proportion of the quarter sections of the public lands; and agreed thereto.

Mr. ROBERTS, from the Committee of Claims, reported a bill for the relief of the legal representatives of Ignace Chalmet Delino, deceased; and the bill was read, and passed to the second reading.

Mr. CHACE, from the Committee on the Judiciary, reported a bill to provide for the due execution of the laws of the United States, within the State of Indiana, and the bill was read, and passed to the second reading.

Mr. LACOCK submitted the following motion for consideration:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of authorizing, by law, the appointment of additional agents in such States or Territories, where it may be found necessary, for the more convenient payment of such persons as now are, or may hereafter be placed on the pension list of the United States.

The Senate resumed the report of the select committee, on the petition of Robert Kidd, and on

motion by Mr. DAGGETT, the consideration thereof was postponed until to-morrow.

On motion by Mr. LACOCK, that the Senate proceed to the appointment of an Assistant Doorkeeper, on motion by Mr. CAMPBELL, the consideration thereof was postponed until Monday next.

FRIDAY, January 3.

Mr. VARNUM communicated the resolutions of the Legislature of the Commonwealth of Massachusetts, for the appointment of agents to present the claims of that Commonwealth against the United States for allowance, with instructions to their Senators to afford the said agents all the aid in their power for the accomplishment of the object of their appointment, and endeavor to procure all necessary provision for that purpose to be made by law; and the resolutions were read.

Mr. VARNUM submitted the following motion for consideration:

Resolved, That the Committee of Finance be instructed to inquire into the expediency of repealing an act entitled "An act increasing the compensation allowed the Sergeant-at-Arms of the Senate and House of Representatives, and of the Doorkeeper and Assistant Doorkeeper of the Senate and House of Representatives," approved March 3, 1815, with leave to report by bill or otherwise.

The Senate resumed the consideration of the motion of the 2d instant, for instructing the Committee on Military Affairs to inquire into the expediency of authorizing the appointment of additional agents, for the payment of persons placed on the pension list of the United States, and agreed thereto.

The Senate resumed the consideration of the report of the select committee, on the petition of Robert Kidd; and on motion by Mr. MASON, of New Hampshire, the further consideration thereof was postponed until Monday next, and the petition, and accompanying documents, were ordered to be printed for the use of the Senate.

The bill to provide for the due execution of the laws of the United States within the State of Indiana, was read the second time; and, on motion by Mr. CHACE, the further consideration thereof was postponed until next Monday week.

The bill for the relief of the legal representatives of Ignace Chalmet Delino, deceased, was read the second time, and considered as in Committee of the Whole; and ordered to be engrossed and read a third time.

Mr. LACOCK submitted the following motion for consideration:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of increasing the pay of regimental and battalion paymasters, and giving them rank in the Army of the United States.

Mr. MORROW, from the Committee on the Public Lands, to whom the subject was referred, reported a bill to authorize a new edition of the collection of laws respecting the public lands, and the bill was read, and passed to the second reading.

MONDAY, January 6.

The PRESIDENT communicated a letter from the acting Secretary for the Department of War, transmitting forty copies of the Army Register, prepared for each member of the Senate, conformably to a resolution of the 13th of December, 1815.

Mr. MORROW, from the Committee on Public Lands, to whom the subject was referred, reported a bill to increase the salaries of the register and receiver of public moneys of the land office at Marietta; and the bill was read, and passed to the second reading.

Mr. MASON, of Virginia, presented the petition of James Garey, who was a lieutenant in the 27th regiment of infantry during the late war with Great Britain, praying a donation of land or some other provision, for reasons stated in the petition.—Referred to the Committee on Pensions, to consider and report thereon by bill or otherwise.

Mr. CAMPBELL gave notice that to-morrow he should ask leave to bring in a bill to authorize the State of Tennessee to issue grants and perfect titles on certain entries and locations of lands therein described.

The Senate resumed the consideration of the motion of the third instant, for instructing the Committee of Finance to inquire into the expediency of repealing an act increasing the compensation allowed to the Sergeant-at-Arms and Doorkeepers of Congress, and agreed thereto.

The Senate resumed the consideration of the motion of the 3d instant, for instructing the Committee on Military Affairs to inquire into the expediency of increasing the pay of regimental and battalion paymasters, and agreed thereto.

Mr. GOLDSBOROUGH presented the memorial of William Patterson and others, of Baltimore, owners of vessels, which were taken by order of the commanding officer of the United States, in that district, and sunk at the mouth of the harbor, opposite to Fort McHenry, which effectively obstructed the passage of the British fleet, in their meditated attack upon the port of Baltimore, and praying remuneration for losses and damages sustained by them in consequence thereof, as stated in the memorial.—Referred to the Committee of Claims.

The Senate resumed the consideration of the report of the Committee of Claims, on the petition of Thomas Riddle. Whereupon

Resolved, That the petitioner have leave to withdraw his petition.

The Senate resumed the consideration of the report of the select committee, on the petition of Robert Kidd; and, on motion by Mr. ROBERTS, the further consideration thereof was postponed until Thursday next.

The bill to authorize a new edition of the collection of laws respecting the public lands was read the second time and considered as in Committee of the Whole; and ordered to be engrossed and read a third time.

A message from the House of Representatives informed the Senate that the House have passed

a bill entitled "an act for the relief of William Haslet;" in which bill they request the concurrence of the Senate. The bill last mentioned was read, and passed to the second reading.

On motion by Mr. HARDIN, the appointment of an Assistant Doorkeeper was further postponed until the first Monday in February next.

The bill for the relief of the legal representatives of Ignace Chalmet Delino, deceased, was read a third time, and passed.

HOME DEPARTMENT, &c.

Mr. SANFORD, from the committee to whom was referred so much of the Message of the President of the United States as relates to an addition Executive Department, and to the office of Attorney General, reported a bill to establish a new Executive Department, and for other purposes; and the bill was read, and passed to the second reading.

The bill is as follows:

A Bill to establish a new Executive Department, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That there shall be an Executive Department, to be denominated the Home Department, and there shall be a principal officer therein, to be called the Secretary of the Home Department, who shall execute and perform such orders and duties as shall be given or intrusted to him by the President of the United States, in conformity to the Constitution and laws, relative to correspondence and communication with the Governors of the several States, relative to correspondence and communication with the Territories of the United States, and the territorial offices and governments, relative to the Indian nations, and to trade, intercourse, and treaties with them, relative to the General Post Office, relative to the District of Columbia, and the public concerns thereof, and relative to the Patent Office.

SEC. 2. *And be it further enacted,* That there shall be, in the said Department, an inferior officer, who shall be called the chief clerk; he shall be appointed by the Secretary of the Department, shall be employed therein, as the Secretary may direct; and whenever the office of Secretary may be vacant, the chief clerk shall, during the vacancy, have the charge and custody of all records, books, and papers, appertaining to the Department.

SEC. 3. *And be it further enacted,* That instead of a chief clerk in the Department of State there shall be an under Secretary of that Department, who shall be appointed by the Secretary of State, shall be employed as the Secretary of State may direct, and whenever the office of Secretary of State may be vacant, the under Secretary shall have the charge and custody of all records, books, and papers, appertaining to that Department; and the under Secretary shall receive the same compensation as is now allowed to the chief clerk.

SEC. 4. *And be it further enacted,* That the Mint of the United States shall be under the superintendence and direction of the Secretary of the Treasury.

SEC. 5. *And be it further enacted,* That the survey of the coasts of the United States, shall be made under the superintendence and direction of the Secretary of the Navy.

ATTORNEY GENERAL.

Mr. SANFORD, from the same committee, reported a bill concerning the Attorney General of the United States, and the bill was read, and passed to the second reading. The bill is as follows:

A Bill concerning the Attorney General of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That a suitable apartment, in some of the public edifices at Washington, shall be assigned to the Attorney General of the United States; that until such an apartment can be provided, the rent of the place, occupied by the Attorney General for his office, shall be paid by the United States; and that the necessary expense of fuel and stationery, used in the office of the Attorney General, shall be paid by the United States.

SEC. 2. *And be it further enacted,* That the Attorney General shall be authorized to employ one clerk in his office, whose annual compensation shall not exceed —— dollars.

SEC. 3. *And be it further enacted,* That the Supreme Court shall be authorized to allow, as a part of the contingent expenses of holding that court, the necessary expense of printed statements, on the part of the United States, in causes before that court in which the United States are parties; which sums, when allowed by the Supreme Court, shall be paid by the United States.

PUBLIC ACCOUNTS.

Mr. SANFORD, from the same committee, to whom was referred the joint report from the Secretaries of the different Departments respecting the annual settlement of the public accounts, reported a bill to provide for the prompt settlement of public accounts; and the bill was read, and passed to the second reading. The bill is as follows:

A Bill to provide for the prompt settlement of Public Accounts.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the offices of Accountant and Additional Accountant of the Department of War, the office of Accountant of the Navy, and the office of Superintendent General of Military Supplies, be, and they are hereby, abolished.

SEC. 2. *And be it further enacted,* That hereafter all claims and demands whatever, by the United States or against them, and all accounts whatever, in which the United States are concerned, either as debtors or as creditors, shall be settled and adjusted in the Treasury Department.

SEC. 3. *And be it further enacted,* That in addition to the officers in the Treasury Department, already established by law, there shall be the following officers, namely, four auditors, one comptroller, and a solicitor of the Treasury.

SEC. 4. *And be it further enacted,* That it shall be the duty of the first auditor to examine and settle all accounts accruing in the Treasury Department; it shall be the duty of the second auditor to examine and settle all accounts relative to the pay and clothing of the Army, the subsistence of the officers, bounties, and premiums, and the contingent expenses of the

War Department; it shall be the duty of the third auditor to examine and settle all accounts relative to the subsistence of the Army, the Quartermaster's department, the Hospital department, and the Ordnance department; it shall be the duty of the fourth auditor to examine and settle all accounts accruing in the Navy Department, or relative thereto; and it shall be the duty of the fifth auditor to examine and settle all accounts accruing in, or relative to, the Department of State, and the Home Department.

SEC. 5. *And be it further enacted*, That it shall be the duty of the first comptroller to examine and revise all accounts settled by the first and fifth auditors; and it shall be the duty of the second comptroller to examine and revise all accounts settled by the second, third, and fourth auditors.

SEC. 6. *And be it further enacted*, That it shall be the duty of the Solicitor of the Treasury to superintend the recovery of all debts to the United States, to direct suits and legal proceedings, and to take all such measures as may be authorized by the laws, to enforce prompt payment of all debts to the United States.

LIBRARY OF CONGRESS.

Mr. FROMENTIN, from the Joint Library Committee, made a report, which was read, as follows:

That, in pursuance of the duty devolving upon them to purchase books for the Library of Congress, they have bought, during the recess, the books, a catalogue of which, with the prices and the names of the persons from whom they were bought, is annexed.

By a reference to the accounts rendered by Joseph Nourse, Register of the Treasury, and acting as agent of the Joint Library Committee, which are annexed to, and the committee pray may be considered as part of, their report, it appears that since the last account rendered there was paid at different times by order of the Joint Library Committee a sum of $3,074 09; leaving in the hands of the agent of the Library Committee, subject to their order, an unexpended balance of $1,526 61. The committee have now under consideration several proposals, which, when finally acted upon, shall have employed the whole of the appropriation made in 1812.

The committee further report that they have given directions for the following periodical (both literary and political) publications to be regularly sent to the Library, as soon as published, to wit:

The Edinburg and Quarterly Reviews, republished in New York;

The British Review, the Annual Register, the Analytical Review, and Cobbett's Political Register, published in Great Britain;

The North American Review, published in Boston;

The Portfolio, the Analectic Magazine, and Walsh's American Register, published in Philadelphia;

The Portico and the Weekly Register, published in Baltimore;

The National Register, the Daily National Intelligencer, and the Historical Register, published in Washington.

All the above periodical works now are or will soon be completed, from the beginning of publication to the present day.

Of not exactly the same character, but yet liable to the same annual expense, are the following works, (if it be deemed advisable to complete the publications of this description, which are now deposited in the Library,) to wit:

The Transactions of the American Philosophical Society, the Transactions of the Royal Society of London, the Transactions of the Irish Academy, Bath Society's papers, Transactions of the Society of Arts, Mémoires de l'Académie des Sciences, Mémoires de l'Institut de France, Delaplaine's Repository, Cobbett's State Trials, and Public Characters.

General catalogues, published every year in Great Britain, in Leipsic, and in Paris; to which may be added works of merit, to be subscribed for occasionally, and which will require a disposable fund to be used on the emergencies created by the publication of such works, either in this country or in Europe.

In order the better to promote the views of Congress in establishing a Congressional Library, and the more securely to provide for, as far as attainable, a proportionately equal application of the Library fund to the several branches of human knowledge, and thereby stamp the Congressional Library with that degree of usefulness contemplated in its establishment, the committee invite the chairmen of the several committees of both Houses to furnish the Library Committee with a list of such books or indexes as may be deemed by them more particularly to refer to the business devolving upon each respective committee.

The committee have, moreover, directed to be placed in the Library a box, where may be deposited, by the members of both Houses, the titles of such books as they may be desirous to procure.

The collection of law books now in the Library is as valuable and as complete as it is possible to have expected it to be, considering the time at which the books were purchased; but the many late publications which have appeared since, both in this country and in Europe, and the indispensable necessity of laying open all possible sources of the most extensive information on that head, have induced your committee to propose to Congress to appropriate a sum of $3,000 for the completion of that particular department of the Library of Congress.

The law appropriating $1,000 per annum for the purchase of books for the Library of Congress has expired. The committee beg leave to report a bill making a further appropriation of $1,500 per annum for five years.

In revising the laws passed by Congress concerning the Library, the committee observed that no provision had ever been made to extend to the Heads of Departments the privilege of using the books in the Congress Library, on the same terms on which members of Congress are permitted to use them. In the bill making a further appropriation for the purchase of books, the committee have inserted a section to remedy that omission.

Mr. FROMENTIN then reported a bill, making a further appropriation for the purchase of books for the Library of Congress, and for other purposes; and the bill was read, and passed to the second reading.

TUESDAY, January 7.

Mr. HORSEY presented the memorial of Edward Gilpin, and others, on the subject of regulating the weights and measures of the United States, representing the importance thereof; and the memorial was read, and referred to the committee to whom was referred so much of the Message of the President of the United States, as re-

lates to weights and measures, to consider and report thereon.

The PRESIDENT communicated a report of the Secretary of the Treasury, exhibiting the sums respectively paid to each clerk in the several offices of that Department, for services rendered during the year 1816, made in obedience to the provisions of the act of April 21, 1806, to regulate and fix the compensation of clerks; and the report was read.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives:

I communicate, for the information of Congress, the report of the Director of the Mint, of the operation of that establishment during the last year.

JAMES MADISON.

JANUARY 6, 1817.

The Message and report were read.

Mr. VARNUM presented a petition of Peter Mills, praying an increase of pension.—Referred to the Committee on Pensions.

Mr. RUGGLES presented the petition of David Chambers, praying to have refunded to him the first payment on a section of land, forfeited in consequence of the non-payment of the subsequent instalments.—Referred to the Committee on Public Lands.

Mr. SANFORD presented the memorial and representation of the commissioners of the State of New York on the subject of canals; and praying the aid of Congress in the construction of canals and locks, between the navigable waters of Hudson river and Lake Erie, and the said navigable waters and Lake Champlain, as stated in the memorial; which was read, and referred to the committee to whom was referred so much of the Message of the President of the United States as relates to roads and canals, to consider and report thereon, by bill or otherwise.

Mr. HARDIN submitted the following motion for consideration:

Resolved, That the Committee on Finance be instructed to inquire into the expediency of requiring the attorneys employed in the collection of moneys due to the United States, to give bond and security for the faithful accounting for all demands placed in their hands for collection; with leave to report by bill or otherwise.

Mr. TAIT submitted the following motion for consideration:

Resolved, That the Secretary of the Navy lay before the Senate any information in the possession of the Department, respecting any surveys and examinations which may have been had in the Chesapeake bay, in reference to the situation of a site for a naval depot.

Mr. GOLDSBOROUGH submitted the following motion for consideration:

Resolved, That the President of the United States be requested to cause to be laid before the Senate, the amount of money paid by the Government of the United States for the services of militia during the late war, stating the amount to each respective State, and distinguishing, as far as possible, what has been paid for militia called into service by authority of the Executive of the United States, and that paid for such calls made by authority of a State, and in what cases States have been reimbursed which have made advances for their militia; specifying the State in each case, as before.

The PRESIDENT communicated a report of the Secretary for the Department of the Navy, on the expenditure and application of moneys drawn from the Treasury, from the first of October, 1815, to the 30th of September, 1816, inclusive, and of the unexpended balances of former appropriations remaining in the Treasury on the 1st of October, 1815; and the report was read.

The bill to establish a new Executive Department, and for other purposes, was read the second time; and, on motion of Mr. SANFORD, the further consideration thereof was postponed to, and made the order of the day for, Friday next.

The bill concerning the Attorney General of the United States was read a second time; and, on motion of Mr. SANFORD, the further consideration thereof was postponed to, and made the order of the day for, Friday next.

The bill to provide for the prompt settlement of public accounts was read the second time; and, on motion of Mr. SANFORD, the further consideration thereof was postponed to, and made the order of the day for, Friday next.

The bill entitled "An act for the relief of William Haslet," was read the second time, and referred to the Committee of Claims.

The bill to increase the salaries of the register and receiver of public moneys of the land office at Marietta, was read the second time; and the further consideration thereof postponed until to-morrow.

The bill making a further appropriation for the purchase of books for the Library of Congress, and for other purposes, was read the second time; and the further consideration thereof postponed until to-morrow.

On motion by Mr. TAIT,

Resolved, That the memorial of the Legislative Council and House of Representatives of the Mississippi Territory, praying the admission of the said Territory, as a State, into the Union, be referred to a select committee, to consist of five members, to consider and report thereon, by bill or otherwise.

Messrs. TAIT, BROWN, CHACE, MASON, of New Hampshire, and STOKES, were appointed the committee.

The bill to authorize a new edition of the collection of laws respecting the public lands, was read a third time, and the blank filled with "$1,500."

Resolved, That this bill pass, and that the title thereof be, "An act to authorize a new edition of the collection of laws respecting the public lands."

Mr. TAIT, from the Committee on Naval Affairs, to whom the subject was referred, reported a bill respecting the heirs and legatees of Thomas Turner; and the bill was read, and passed to the second reading.

On motion of Mr. CAMPBELL, the Committee

on Finance, to whom was referred the petition of Amasa Porter, and others, grocers in the city of New Haven, and its vicinity, were discharged from the further consideration thereof.

UNITED STATES' BRANCH BANK.

Mr. CAMPBELL, from the Committee on Finance, to whom the subject was referred, reported a bill, requiring the Directors of the Bank of the United States to establish an office of discount and deposite in the District of Columbia; and the bill was read, and passed to a second reading.

The bill is as follows:

A Bill requiring the Directors of the Bank of the United States to establish an office of discount and deposite in the District of Columbia.

Be it enacted, &c., That the President and Directors of the Bank of the United States be, and they are hereby, required to establish a competent office of discount and deposite in the District of Columbia, pursuant to the provisions of the act to incorporate the Bank of the United States, passed the 10th day of April, 1816.

Accompanying this bill, Mr. CAMPBELL handed in the following document:

TREASURY DEPARTMENT,
December 28, 1816.

SIR: In reply to your letter of the 26th instant, requesting me to furnish information as to the expediency of requiring the Directors of the Bank of the United States to establish, in the City of Washington, a competent office of discount and deposite, with my opinion of the facilities which would result from that measure in the management of the national finances, and the advantages which might accrue from it to the public interest, I have the honor to state, that, in the present disordered state of the currency, the establishment of a branch bank in the city could not fail to be highly useful in the management of the national finances. During the existence of the former Bank of the United States, when the evils of a fluctuating and depreciated currency did not exist, it was deemed expedient that a branch bank should be established in this city, for the convenience of the Treasury, notwithstanding there were several incorporated banks within the District. From the best information which I have been able to collect, there is good reason to believe, that the effect of a branch bank in the District of Columbia will be highly beneficial to the public, and advantageous to the Bank of the United States. As an evidence in favor of this opinion it is proper to state, that the banks of Alexandria and Washington, both chartered and unchartered, have applied to the Treasury Department, to use its influence with the Bank of the United States, to have a branch bank established within the District. In a national point of view, it would seem to be proper that the Seat of the Federal Government should have the immediate benefit of an institution, which has been created with an express view of aiding the exertions of the Government to restore the circulating currency to the specie standard, and, in fact, of giving a currency to the nation, which shall everywhere be of equal value with gold and silver. The power reserved by the Government of compelling the establishment of a competent office of discount and deposite within the District, it is presumed, was the result of a general conviction of the propriety, if not the necessity, of that measure.

I have, &c. WM. H. CRAWFORD

Hon. C. W. CAMPBELL, *Chairman.*

WEDNESDAY, January 8.

Mr. MORROW presented the memorial of the Legislative Council and House of Representatives of the Mississippi Territory, representing that many persons have settled upon the lands lately ceded by the different nations of Indians to the United States, and praying that they may be permitted to continue until those lands shall be offered for sale, for reasons stated in the memorial; which was read, and referred to the Committee on Public Lands, to consider and report thereon, by bill or otherwise.

The Senate resumed the consideration of the motion of the 7th instant, for instructing the Committee on Finance to inquire into the expediency of requiring the attorneys employed in the collection of moneys due to the United States to give bond and security; and agreed thereto.

The Senate resumed the consideration of the motion of the 7th instant, which, having been amended, was agreed to as follows:

Resolved, That the Secretary of the Navy lay before the Senate any information, in the possession of the Department, respecting any surveys and examinations which may have been had in any part of the United States, in reference to the selection of a site for a naval depot.

The Senate resumed the consideration of the motion of the 7th instant, requesting the President of the United States to cause to be laid before the Senate the amount of money paid by the Government of the United States for the services of the militia, during the late war; and agreed thereto.

Mr. LACOCK, from the Committee on Roads and Canals, to whom was referred the petition of a number of the inhabitants of Washington county, in the State of Pennsylvania, praying a change of a part of the route of the western turnpike road, made a report, together with the following resolution:

Resolved, That the prayer of the petitioners ought not to be granted.

The report and resolution were read.

The bill respecting the heirs and legatees of Thomas Turner, deceased, was read the second time, and considered as in Committee of the Whole; and on the question, "Shall this bill be engrossed and read a third time?" it was determined in the negative.

The bill requiring the Directors of the Bank of the United States to establish an office of discount and deposite in the District of Columbia, was read the second time; and ordered to be engrossed and read a third time.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act directing the discharge of Oliver Spellman from imprisonment:" in which bill they request the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading.

Mr. DAGGETT, from the committee to whom the petition of Thomas Law and others was referred, reported a bill authorizing the sale of cer-

tain grounds belonging to the United States in the City of Washington; and the bill was read, and passed to the second reading.

The bill is as follows:

A Bill authorizing the sale of certain grounds belonging to the United States, in the City of Washington.

Be it enacted, &c., That the Commissioner for the superintendence of the Public Buildings in the City of Washington be, and he hereby is, authorized to lay off into building lots, all those reservations of ground numbered ten, eleven, and twelve, on the north side of the Pennsylvania Avenue, and all that part of the reservation of ground numbered seventeen, on the west side of the New Jersey Avenue, and, under the direction of the President of the United States, to sell any number of such lots, not exceeding one-half of the whole number, and the avails thereof to pay into the Treasury of the United States; and in such sales the Commissioner is hereby directed to reserve to the United States every other lot, except, in particular cases, it may be expedient to sell two or more contiguous lots.

The PRESIDENT communicated a report of the Secretary of the Treasury, comprehending the statements relative to the internal duties and direct tax, required by the thirty-third section of the act of Congress of the 22d July 1813; which was read.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to increase the salaries of the register and receiver of public moneys of the land office at Marietta; and ordered it to be read a third time.

Mr. CAMPBELL asked and obtained leave to bring in a bill to authorize the State of Tennessee to issue grants and perfect titles on certain entries and locations of lands therein described; and the bill was read, and passed to the second reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill making a further appropriation for the purchase of books for the Library of Congress, and for other purposes; and the bill having been amended, the PRESIDENT reported it to the House accordingly; and the bill was ordered to be engrossed and read a third time.

THURSDAY, January 9.

The PRESIDENT communicated a letter from Jonathan Jennings, President of the late Convention of Indiana, with a copy of the constitution as adopted for the government of the State of Indiana, which were read.

Mr. ROBERTS presented the memorial of Philip Jones and others, manufacturers of umbrellas in the city and county of Philadelphia, praying certain specific duties may be laid on the importation of umbrellas and parasols, for reasons stated in the memorial; which was read, and referred to the Committee on Commerce and Manufactures, to consider and report thereon, by bill or otherwise.

Mr. HUNTER, from the Committee on Commerce and Manufactures, to whom was referred the bill, entitled "An act supplementary to an act to regulate the duties on imports and tonnage," reported it without amendment; and the bill was considered as in Committee of the Whole, and ordered to a third reading.

Mr. DAGGETT presented the petition of Elisha Tracy, of Norwich, Connecticut, representing that during the late war he held the office of a purchasing commissary; that in consequence of the failure in the Government in remitting him funds he sustained a great loss; and praying relief, as stated in the petition; which was read, and referred to the Committee of Claims, to consider and report thereon by bill or otherwise.

Mr. TICHENOR, from the committee to whom was referred the bill entitled "An act directing the discharge of Nathaniel Taft from imprisonment," reported it without amendment, and the bill was considered as in Committee of the Whole, and ordered to a third reading.

Mr. ROBERTS, from the Committee of Claims, to whom the subject was referred, reported a bill for the relief of William Edwards; and the bill was read, and passed to the second reading.

Mr. ROBERTS also communicated the report of the Secretary of the Treasury, on the petition of William Edwards; which was read.

Mr. HORSEY presented the memorial of the president and directors of the Chesapeake and Delaware Canal Company, praying the aid of Congress as stated in the memorial; which was read, and, on motion by Mr. HORSEY, ordered to be printed, and referred to the Committee on Roads and Canals, to consider and report thereon by bill or otherwise.

The Senate resumed the consideration of the report of the Committee on Roads and Canals, to whom was referred the petition of a number of the inhabitants of Washington county, in the State of Pennsylvania, praying a change in part of the route of the Western Turnpike road.

Whereupon, *Resolved*, That the prayer of the petitioners ought not to be granted.

The Senate resumed the consideration of the report of the select committee, on the petition of Robert Kidd; and on motion by Mr. MASON, of New Hampshire, the consideration thereof was further postponed until Monday next.

The bill authorizing the sale of certain grounds belonging to the United States, in the City of Washington, was read the second time, and considered as in Committee of the Whole; and, on motion of Mr. MASON, of New Hampshire, the further consideration thereof was postponed until Monday next.

The bill entitled "An act directing the discharge of Oliver Spellman from imprisonment," was read the second time, and referred to the Committee of Claims, to consider and report thereon.

Mr. MORROW, from the Committee on the Public Lands, who were instructed, by the resolution of the 25th instant, "to inquire into the expediency of authorizing by law an exchange of territory with any of the Indian tribes," made a report, together with the following resolution:

Resolved, That an appropriation be made, by law, to enable the President of the United States to negotiate treaties with the Indian tribes; which treaties

shall have, for their object, an exchange of territory owned by any tribe residing east of the Mississippi, for other lands west of that river.

The report and resolution were read.

The bill to authorize the State of Tennessee to issue grants and perfect titles on certain entries, and locations of land therein described, was read the second time, and referred to the Committee on the Public Lands, to consider and report thereon.

The bill requiring the Directors of the Bank of the United States to establish an office of discount and deposite in the District of Columbia, was read a third time and passed.

The bill making a further appropriation for the purchase of books for the Library of Congress, and for other purposes, was read a third time, the blank filled with "one thousand five hundred," and passed.

The bill to increase the salaries of the register and receiver of public moneys of the land office at Marietta, was read a third time, and passed.

On motion by Mr. THOMPSON, it was agreed to reconsider the vote on passing to a third reading the bill respecting the heirs and legatees of Thomas Turner, deceased; and, on his motion, it was referred to the Committee on Naval Affairs, with instructions to inquire into the extent of the services rendered by the said Turner, and compare the services and compensation of the said Turner, with the services and compensation of the other accountants; and report thereon.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the relief of Henry Malcolm," in which they request the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading.

Mr. KING presented the memorial of Frederick Jenkins and Rensselaer Havens, in behalf of the owners, officers, and crew of the late private armed brig General Armstrong, praying remuneration for the destruction of said brig in the port of Fayal, by the enemy; as stated in the memorial, which was read, and referred to the Committee on Naval Affairs, to consider and report thereon by bill or otherwise.

FRIDAY, January 10.

WILLIAM SMITH, appointed a Senator by the Legislature of the State of South Carolina, to fill the vacancy occasioned by the resignation of John Taylor, produced his credentials, was qualified, and he took his seat in the Senate.

The PRESIDENT communicated a report of the Acting Secretary for the Department of War, made in obedience to the resolution of the Senate of the 19th ultimo, relative to the administration of the fund for the relief of sick and disabled seamen; and the report was read.

Mr. ROBERTS presented the memorial of the representatives of the religious society of Friends, in Pennsylvania, New Jersey, and Delaware, and the Eastern Shore of Maryland, praying a revision and amendment of the laws of Congress for the purpose of more effectually suppressing the kidnapping and internal traffic in the persons of color, as stated in the memorial; which was read, and referred to the committee to whom was referred so much of the Message of the President of the United States as relates to the slave trade, to consider and report thereon by bill or otherwise.

Mr. BROWN presented the petition of sundry inhabitants of the province of Texas, praying a grant of land in the State of Louisiana, for reasons stated in the petition; which was read, and referred to the Committee on the Public Lands, to consider and report thereon by bill or otherwise.

Mr. SANFORD presented the memorial of Joseph W. Page, citizen of South Carolina, praying remuneration for informing and procuring evidence of the violation of the embargo law, as stated in the memorial; which was read, and referred to the Committee of Claims, to consider and report thereon by bill or otherwise.

Mr. ROBERTS, from the Committee of Claims, to whom was referred the bill, entitled "An act for the relief of William Haslet," reported it with an amendment; which was read.

Mr. BARBOUR gave notice that at the next meeting of the Senate he should ask leave to bring in a resolution to authorize the President of the United States to employ John Trumbull, in the line of his profession, to paint some of the most important events of the Revolution, to be placed in the Capitol.

Mr. NOBLE submitted the following motion for consideration:

Resolved, That the Committee of Claims be instructed to inquire into the expediency of allowing compensation to Peter Winchel, Thomas Bell, and John Harman, who were mounted rangers in the company commanded by Captain Frederick Sholtz, in the service of the United States, for property captured by Indians in the year 1815, with leave to report by bill or otherwise.

Mr. WILLIAMS submitted the following motion for consideration:

Resolved, That a committee be appointed to inquire into the expediency of purchasing copies of the late edition of the acts of Congress, and of furnishing one copy for the use of each county in the United States; and that the committee have leave to report by bill or otherwise.

The bill for the relief of William Edwards was read the second time.

The bill, entitled "An act for the relief of Henry Malcolm," was read the second time, and referred to the Committee on Finance, to consider and report thereon.

The Senate resumed the consideration of the report of the Committee on the Public Lands, on the subject of an exchange of territory with the Indian tribes; and the further consideration thereof was postponed until Monday next.

The bill, entitled "An act supplementary to 'An act to regulate the duties on imports and tonnage,'" was read a third time, and passed.

The bill, entitled "An act directing the dis-

charge of Nathaniel Taft from imprisonment," was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to provide for the prompt settlement of public accounts; and, the further consideration thereof was postponed until Monday next.

THE PUBLIC OFFICES.

The bill to create a new Executive (Home) Department was taken up.

Mr. TAIT having called on the committee who reported this bill for some explanation of their views in favor of this measure—

Mr. SANFORD briefly gave the explanation requested; though, he said, the reasons having been stated pretty much at large in the document before the House and the public, he had not conceived it necessary to trouble the House with many remarks on it. He adverted to the growth of the country, the increase of population, and consequently of business in the various public offices. He reviewed the history of the present departments of the Government, and their progressive enlargement in some branches; the Navy Department, for instance, by the addition of the Board of Commissioners, whilst other departments had remained stationary. The business, he said, which, with three and a half millions of population, was necessary to be done in the public offices, bore no proportion to the mass which now called for their attention. The arguments on which he generally sustained the bill, in the course of his remarks, were, the great expansion of our public business, the increase of business in the foreign department as well as at home, and the multitude and complication of details of public transactions, which required a distribution of them among the public offices, different from that which now exists.

Mr. KING commenced the expression of his views of this bill, by stating the fact, that in the original organization of the Government, it had been made a question whether a Home Department was necessary; and that, after the most mature consideration, it had been decided to be inexpedient: and the Department of State, as its name indicated, was to take charge of all matters of a civil nature, interior as well as foreign. It was true, Mr. K. said, that this was long ago, and that, as his colleague had said, there had been since a considerable increase in the business and population of the country. But was it certain, he asked, that a numerical increase carried with it anything like a necessity for multiplying departments for managing the public affairs? He could not, himself, see the force of that argument. Was it certain, because something was omitted or left undone in the departments now, that nothing would be omitted should the departments be increased? Whether we resort to experience at home, or wisdom from abroad, it is not proved, Mr. K. said, that by a multiplication of offices the business of a nation is better done. It was not certain that services would be better performed by the creation of a head of a department, which services not he, but others to be placed under him, are to perform. Supposing any department, the Treasury, for instance, to have full occupation, would the creation of two heads to it expedite the public business, or afford any security that it would be better done? He conceived the reverse. No more security would be afforded by creating two Departments of State in the room of one, which he believed was sufficient to despatch all the business now confided to it; most of which, being matter of detail only, required little more than the signature of the Secretary of State. Mr. K. adverted to the branches of business proposed to be assigned to the new department, and remarked on each. As to the correspondence with the Governors of States, he said, that any man, present at the formation of this Government, would have considered it a very extraordinary idea that a bill even should be introduced into Congress, much less that a law should be passed, to devolve on a subordinate head of a department, the tenure of whose office was at the will of the President, the charge of correspondence with the Governors of the several States. When General WASHINGTON was President, the Governors corresponded directly with him, and why? Because they hold an important portion of the sovereign power. For various reasons he assigned, Mr. K. was opposed to creating a new department to transact this business. As to the correspondence with the territorial officers, he said, that was no very distressing labor, being little more than a matter of form, attended to, except the mere signature of the Secretary, by the clerks in the office. As to treaties with the Indian tribes, he thought it well to leave that concern where it was; and, as to the trade with them, he hardly knew what it was; he should object, however, to appropriating any more money for Indian trade. Relative to the concerns of the District of Columbia, he did not conceive a department necessary for their management, and still less for the management of the Patent Office, to which, as at present, a single clerk was fully competent. On the whole, he could not see the necessity for creating a new department, the head of which would have a place in the Cabinet, and be one of the President's counsellors. Wishing further time to be afforded for the consideration of this important bill, he proposed its postponement for a few days.

On the suggestion of Mr. TAIT, and on motion of Mr. KING, the further consideration of the bill was postponed to Wednesday next.

The House then proceeded to the consideration of the bill respecting the office of Attorney General.

A motion was made by Mr. DAGGETT to strike out the 3d section of the bill, (authorizing the payment of the expenses of the printed statements of cases in which the United States were concerned before the Supreme Court,) but after some conversation, in the course of which Mr. MACON said that this was the only section in the bill which he thought ought to be retained, Mr. D. withdrew his motion.

Mr. MACON moved to strike out the first and

second sections of the bill—the first allowing the Attorney General an apartment in the public buildings, (or office rent in lieu thereof,) and expenses of fire, &c.; the second allowing him a clerk.

Mr. MASON, of New Hampshire, supported the motion by a few remarks; in the course of which he condemned both these provisions as unnecessary, and as going indirectly to increase the salary of the Attorney General.

Mr. BARBOUR required a division of the question, so as to take it separately on each section. He was in favor of the first section, but opposed to the second, because, he said, he was yet to learn the necessity of a clerk to the Attorney General. In favor of the first section, he said, generally, that the President had advised it, considering it important to the convenience of the Government, as Mr. B. did, that the law officer of the United States, to whom recurrence was had in all cases of difficulty, should not be without any sort of apartment for his accommodation. That officer's being constrained to resort to his own means for office room, was an exception to the principle which prevailed in regard to every other important officer of the United States. As regarded the convenience of citizens, also, Mr. B. conceived it important that this officer should be placed near the other departments, to whom, also, such vicinity would be very useful. As a matter of justice, also, he favored this measure, since the salary of the Attorney General bore no proportion to that of other officers of the Government, and he ought not to be called upon to pay the expenses of his office out of his moderate compensation. Mr. B. did not give much weight to the argument that the Attorney General of the United States could pursue his private practice, and at the same time discharge with fidelity his public duties, which required his constant residence at the Seat of Government, &c. So far from considering his compensation too great, he would, if it should appear necessary, increase the compensation of this officer, which was small relatively to the salaries of other officers of the Government.

Messrs. MACON and MASON, of New Hampshire, spoke, the latter more at large, in favor of expunging the two first sections of the bill; and Messrs. DAGGETT, SANFORD, and TROUP, against it.

The arguments in favor of striking them out were, generally, these: that the office of Attorney General, with the proposed addition to it of an office and a clerk, becomes at once the department of law, never intended certainly when this office was established, and this change will be the sure foundation of a bill to increase the salary attached to the office; that the salary of the office had already grown up from $1,500 to $3,000; that, whatever was the practice, it could never have been intended that the Attorney General should be a member of the Cabinet, any more than the Comptroller of the Treasury and some other officers; that the Attorney General was now better paid, in proportion to his duties, than any other officer of the Government; since, from the first establishment of the Supreme Court, the Attorney Generals, one year with another, had not argued more than two cases each term of it for the United States; that it was contemplated always that the Attorney General should pursue his private practice; that he ought to do so, since constant practice was known to be essential to make a good lawyer; that the predecessor of the present Attorney General pursued to great advantage his private practice; that, in Great Britain, the Attorney General is generally the most extensive practitioner, although, by the terms of his office, at the same time a cabinet counsellor; that, therefore, no increase of compensation (as this proposition was deemed essentially to be) was necessary; and because, if the compensation of the Attorney General was increased, an augmentation of the salaries of all the other officers of Government would follow of course.

On the other hand, it was argued that the Attorney General was an officer of great importance, to whom was confided the management of the law concerns of the United States; who was continually (almost daily) appealed to for his legal advice by one department or other; and who was, besides, by the practice of the Government, a Cabinet counsellor; that he ought, therefore, to have the same accommodation as other officers of the Government, of an office and a clerk—of a clerk, because it was important to retain copies of opinions of letters, and of correspondence with district attorneys, which by former Attorney Generals had never been done, no paper of any description having been handed from any one of them to his successor; that the private practice of the law, with the present duties of the office, which occupied all the time of the incumbent, must be inconsiderable, indeed, if not incompatible; that it was unjust to ask from an officer, whose salary was perhaps inadequate to his support, that he should subtract therefrom the amount of his official expenses.

The question on striking out the first section (respecting office rent) was decided in the negative—ayes 11.

The question on striking out the second section (allowing a clerk) was carried by a vote of 16 to 12—majority 4.

The bill, as amended, was ordered to be engrossed for a third reading.

The Senate adjourned to Monday.

MONDAY, January 13.

The credentials of WILLIAM SMITH, appointed a Senator by the Legislature of the State of South Carolina, for the term of six years, commencing on the fourth day of March next, were read, and laid on file.

The PRESIDENT communicated a report of the Acting Secretary for the Department of War, comprehending contracts made by that Department in the year 1816, and those made by the purchasing and ordnance departments for the same period, in compliance with "an act concerning public contracts," passed April 21st, 1808, and the report was read.

Mr. ROBERTS presented the petition of the Chamber of Commerce of the city of Philadelphia, in favor of general and uniform regulations of the estates and affairs of insolvents, and praying a law may pass on that subject, for reasons stated in the petition, which was read, and referred to the Committee on the Judiciary, to consider and report thereon by bill or otherwise.

Mr. FROMENTIN presented the petition of Louis Charles le Blanc, a citizen of the State of Louisiana, praying a grant of land in said State, as stated in the petition; which was read, and referred to the Committee of Claims, to consider and report thereon by bill or otherwise.

Mr. VARNUM presented the petition of John Otis, late collector of the customs for the district of Barnstable, praying relief for expenses incurred by him in carying into execution the embargo laws, as stated in the petition; which was read and referred to the Committee of Claims, to consider and report thereon by bill or otherwise.

Mr. LACOCK presented the petition of John Merrill, attorney to the administrator of Flavil Sabin, deceased, late a regimental paymaster, praying relief in the settlement of his accounts, as stated in the petition; which was read, and referred to the Committee of Claims, to consider and report thereon by bill or otherwise.

Mr. SANFORD presented the memorial of J. B. Stewart, in behalf of the assignee and legal representative of Francis Cazeau, late of the city of Paris, deceased, praying compensation for services rendered the American cause during the Revolutionary war, and for sacrifices made by his attachment thereto, as stated in the memorial; which was read, and referred to the Committee of Claims, to consider and report thereon by bill or otherwise.

Mr. ROBERTS, from the Committee of Claims, to whom was referred the bill, entitled "An act directing the discharge of Oliver Spellman from imprisonment," reported it without amendment.

Mr. SANFORD presented the petition of William Markward and others, messengers in the several Executive Departments of the Government, praying an increase of compensation, as stated in the petition; which was read, and referred to the Committee of Claims, to consider and report thereon by bill or otherwise.

Mr. MORROW, from the Committee on the Public Lands, to whom was referred the petition of David Chambers, made a report, together with the following resolution:

Resolved, That the petitioner have leave to withdraw his petition and documents.

The report and resolution were read.

The Senate resumed the consideration of the motion of the 10th instant for instructing the Committee of Claims to inquire into the expediency of allowing compensation to certain persons who were mounted rangers, and agreed thereto.

Mr. BARBOUR submitted the following motion for consideration:

Resolved, That the Secretary of War be instructed to procure copies of the existing militia laws of the different States, as well as correct reports of the number and organization of their militia, to be laid before the Senate at their next session.

The Senate resumed the consideration of the motion of the 10th instant, for the appointment of a committee to inquire into the expediency of purchasing copies of the late edition of the acts of Congress; and, having agreed thereto, Mr. WILLIAMS, Mr. MACON, and Mr. VARNUM, were appointed the committee.

The Senate resumed the consideration of the report of the Committee on the Public Lands on the expediency of an exchange of territory with the Indian tribes; and the consideration thereof was further postponed until to-morrow.

Agreeably to notice, Mr. BARBOUR asked and obtained leave to bring in the following resolution:

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States be, and he is hereby, authorized to employ John Trumbull, of Connecticut, to compose and execute a painting commemorative of the Declaration of Independence; to be placed, when finished, in the Capitol of the United States.

The resolution was read, and passed to the second reading.

Mr. FROMENTIN presented the petition of certain members of the Legislature of the Mississippi Territory, praying for the admission of said Territory into the Union as a State, without division, for reasons stated in the petition; which was read, and referred to the committee to whom was referred, on the 7th instant, the memorial of the Legislative Council and House of Representatives of the Mississippi Territory on the same subject, to consider and report thereon by bill or otherwise.

The Senate occupied some time on the report of a select committee on the petition of Robert Kidd, praying a remission of penalties on certain British merchandise imported after the declaration of war, and by him purchased and bonded at the custom-house—the report recommending that the prayer of the petitioner be rejected.

Mr. MASON, of New Hampshire, moved to reverse the recommendation of the committee, so as to declare that the prayer of the petitioner ought to be granted, and supported his view of the subject at considerable length.

The report of the committee was supported by Messrs. BROWN and ROBERTS, and finally concurred in.

Mr. ROBERTS, from the Committee of Claims, to whom was referred the bill, entitled "An act directing the discharge of John Ricaud, from imprisonment," reported it with amendments; which were read.

The bill concerning the Attorney General of the United States, was read a third time, and passed.

The bill authorizing the sale of certain grounds belonging to the United States in the City of Washington, was taken up, and after being, on motion of Mr. DAGGETT, amended so as to direct the moneys arising from the said sales to be appropriated to the reimbursement of any mo-

neys expended for the public buildings and public improvements in the City of Washington, the bill was ordered to be engrossed for a third reading.

A message from the House of Representatives informed the Senate that the House have passed the bill, which originated in the Senate, entitled "An act to authorize a new edition of the laws respecting the public lands." They have passed a bill, entitled "An act to amend the act 'authorizing the payment for property lost, captured, or destroyed by the enemy, while in the military service of the United States, and for other purposes;' passed the 9th of April, 1816," also a bill, entitled "An act making a partial appropriation for the subsistence of the Army during the year 1817," in which bills they request the concurrence of the Senate.

The two bills last mentioned were read, and passed to the second reading.

The bill partially to reorganize the Departments, and providing for the prompt settlement of public accounts, was taken up, when Mr. MACON having offered an amendment in the distribution of the duties to auditors, &c., the amendment was ordered to be printed, and, with the bill, postponed till to-morrow.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to provide for the due execution of the laws of the United States, within the State of Indiana; and the further consideration thereof was postponed until Monday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of William Edwards; and the bill was ordered to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of William Haslet," together with the amendment reported thereto by the Committee of Claims; and the amendment having been agreed to, the PRESIDENT reported the bill to the House accordingly; and on the question, "Shall the amendment be engrossed, and the bill read a third time as amended?" it was determined in the affirmative.

TUESDAY, January 14.

The PRESIDENT communicated a report from the Secretary for the Department of the Navy, comprehending a statement of the contracts made by that Department during the year 1816, prepared in obedience to the act of the 3d of March, 1809, entitled "An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments;" and the report was read.

Mr. HORSEY presented the memorial of John Fisher and others, citizens of the United States, praying the revision and amendment of "An act respecting fugitives from justice, and persons escaping from the service of their masters," passed the 12th of February, 1793, for the purpose of more effectually suppressing a traffic in negroes and people of color from the Middle to the Southern States, as stated in the memorial; which was read, and referred to the committee to whom was referred so much of the Message of the President of the United States as relates to the slave trade, to consider and report thereon, by bill or otherwise.

Mr. TAIT presented the memorial of E. Cutbush and Samuel R. Marshall, on behalf of the surgeons and assistants of the Navy of the United States, praying the regulation of their rank and increase of pay and emoluments, as stated in the memorial; which was read, and referred to the Committee on Naval Affairs, to consider and report thereon, by bill or otherwise.

Mr. WILSON, from the committee, reported correctly engrossed, the bill authorizing the sale of certain grounds, belonging to the United States, in the City of Washington; the bill for the relief of William Edwards; also, the amendment to the bill, entitled "An act for the relief of William Haslet."

Mr. MORROW, from the Committee on the Public Lands, to whom was referred the bill to authorize the State of Tennessee to issue grants, and perfect titles on certain entries and locations of lands therein described, reported it with amendments; which were read.

Mr. WILLIAMS, from the Committee on Military Affairs, who were instructed, by a resolution of the sixth instant, "to inquire into the expediency of increasing the pay of the regimental and battalion paymasters, and giving them rank in the Army," made a report, which was read.

Mr. WILLIAMS, from the same committee, who were instructed, by a resolution of the 3d instant, "to inquire into the expediency of authorizing, by law, the appointment of additional agents in such States or Territories where it may be found necessary for the more convenient payment of such persons as are now, or may hereafter be placed on the pension list," made a report; which was read.

The Senate resumed the consideration of the motion of the 13th instant, for instructing the Secretary of War to procure copies of the existing militia laws of the different States, as well as correct reports of the number and organization of their militia, and agreed thereto.

The Senate resumed the consideration of the report of the Committee on the Public Lands, who were instructed to inquire into the expediency of authorizing, by law, an exchange of territory with any of the Indian tribes; and, after debate, the further consideration thereof was postponed until Friday next.

On motion, by Mr. FROMENTIN,

Resolved, That the Secretary of the Department of War be required to lay before the Senate any document or information in his office respecting the exchange of lands with any of the Indian tribes, now completed or contemplated, under the act of Congress, approved on the 25th day of March, 1804, entitled "An act to erect Louisiana into two Territories, and to provide for the temporary government thereof."

The Senate resumed the consideration of the report of the Committee on Public Lands on the petition of David Chambers. Whereupon,

Resolved, That the petitioner have leave to withdraw his petition and documents.

The bill, entitled "An act to amend the act 'authorizing the payment for property lost, captured, or destroyed while in the military service of the United States, and for other purposes,' passed the 9th of April, 1816," was read the second time, and referred to the Committee of Claims, to consider and report thereon.

On motion of Mr. MASON, of Virginia, the Committee on Pensions, to whom was referred the petition of James Garey, were discharged from the further consideration thereof, and the petitioner had leave to withdraw his petition and documents.

WEDNESDAY, January 15.

The PRESIDENT communicated the report of the Acting Secretary for the Department of War, exhibiting the names of the clerks employed in the several offices attached to that Department, and the sums given to each for the year 1816; and the report was read.

Mr. CHACE presented the petition of Jedediah Smith, of Roxbury, in the county of Orange, and State of Vermont, praying a pension, for reasons stated in the petition; which was read, and referred to the Committee on Pensions, to consider and report thereon, by bill or otherwise.

The Senate resumed the consideration of the report of the Committee on Military Affairs, who were instructed to inquire into the expediency of authorizing, by law, the appointment of additional agents in such States or Territories, where it may be found necessary, for the more convenient payment of such persons as now are, or may hereafter be placed, on the pension list.

Mr. LACOCK offered several considerations, from inconveniences suffered by pensioners in different parts of the United States, particularly the Western country, from the want of additional agents, &c., to show the necessity of increasing the number of those agents, and concluded, by moving that the report be reversed, so as to declare it expedient to increase the number of agents for paying pensions.

After some remarks from Messrs. SANFORD, MACON, and TROUP, to show that the inconveniences stated ought to be removed by other measures than an increase of the agents, and a few observations explanatory by Mr. ROBERTS, and in opposition to the measure by Mr. HARDIN—

The report was, on motion by Mr. ROBERTS, postponed to Monday.

The bill entitled "An act making a partial appropriation for the subsistence of the army, during the year 1817," was read the second time, and referred to the Committee of Finance, to consider and report thereon.

The resolution to authorize the President of the United States to employ John Trumbull to execute a painting commemorative of the Declaration of Independence, was read the second time; and, on motion by Mr. GOLDSBOROUGH, referred to a select committee, with instructions to confer with Colonel John Trumbull, for the purpose of selecting two additional scenes from the period of the Revolution to be the subjects of paintings, which, together with the Declaration of Independence, when completed, are to be deposited in the Capitol of the United States.

Messrs. BARBOUR, GOLDSBOROUGH, and KING, were appointed the committee.

Mr. LACOCK presented the petition of Daniel Pettibone, praying to be employed to erect the necessary apparatus for warming the Capitol, now undergoing repairs, upon his improved plan, as stated in the petition; which was read, and referred to the Committee on the District of Columbia, to consider and report thereon, by bill or otherwise.

The report of the Military Committee, to whom was referred an inquiry into the subject, declaring it inexpedient to increase the pay of, and give rank to battalion and regimental paymasters, was taken up.

Mr. LACOCK, the mover of the inquiry, opposed the report, and advocated, at some length, the justice of increasing the pay of regimental paymasters, whose duties and labor have been much increased by the late arrangements of the Quartermaster's department, whose duties have been, in a great measure, transferred to the paymasters; and who are also deprived of any rank in the army.

Mr. WILLIAMS defended the report, and submitted facts to show that the paymasters were much better paid now than formerly, and much better, indeed, than any other part of the army.

The report was then concurred in by a large majority.

The engrossed bill authorizing the sale of certain grounds belonging to the United States, in the City of Washington, was read the third time; and, after being amended, on motion of Mr. DAGGETT, by unanimous consent, so as to appropriate the proceeds of the sales to defray expenses for public improvements hereafter incurred, the bill passed, and was sent to the other House.

The engrossed bill for the relief of William Edwards was read a third time, and passed.

The bill entitled "An act for the relief of William Haslet," was read a third time as amended, and passed.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to explain the act 'to authorize certain officers and other persons to administer oaths,' approved May the 3d, 1798;" in which they request the concurrence of the Senate.

The last mentioned bill was read, and passed to the second reading.

Mr. WILSON, from the Committee of Claims, to whom was referred the petition of Charles de Blanc, made a report, together with the following resolution:

Resolved, That the petitioner have leave to withdraw his papers.

Mr. FROMENTIN presented the memorial of James Miller, collector and inspector of the customs of the port of Nova Iberia, and the district of Teche, praying compensation for having discharged the duties of surveyor, as stated in the memorial; which was read, and referred to the Committee of Claims, to consider and report thereon, by bill or otherwise.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to establish a new Executive Department, and for other purposes; and the further consideration thereof was postponed until to-morrow.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to provide for the prompt settlement of public accounts.

Mr. MACON having proposed a further amendment thereto, the further consideration thereof was postponed until to-morrow.

THURSDAY, January 16.

Mr. RUGGLES presented the petition of Rachael Dohrman, widow of Arnold Henry Dohrman, deceased, praying additional remuneration for the services of her late husband during the Revolutionary war, as stated in the petition; which was read, and referred to the Committee of Claims, to consider and report thereon, by bill or otherwise.

Mr. TICHENOR submitted the following motion for consideration:

Resolved, That the Secretary of War be directed to lay before the Senate, without delay, a statement of the number of officers, non-commissioned officers, musicians, and privates, now composing the Military Establishment of the United States, to what posts they are stationed, and the actual number at each post respectively.

Mr. SMITH presented the petition of John Haslet, of the city of Charleston, praying an act may be passed remitting the penalties by him innocently incurred on the importation of thirty-six puncheons of rum in the brig Margaret, Captain Halm, from Porto Rico, in July, 1812, as stated in the petition; which was read, and referred to the Committee of Claims, to consider and report thereon, by bill or otherwise.

Mr. BARBOUR, from the committee to whom was referred the resolution to authorize the President of the United States to employ John Trumbull to compose and execute a painting commemorative of the Declaration of Independence, reported it with an amendment, which was read.

Mr. CHACE presented the petition of Jonas Cutting, late Lieutenant Colonel of the 25th regiment of infantry, and superintendent of the recruiting rendezvous of said regiment, at Hartford, in the State of Connecticut, praying the reimbursement of certain expenses incurred by him in the line of his duty, as stated in the petition; which was read, and referred to the Committee of Claims, to consider and report thereon, by bill or otherwise.

Mr. TAYLOR submitted the following motion for consideration:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Vincennes, by Emmerson's mill, Carlisle, and Monroe, to Fort Harrison; and that they have leave to report, by bill or otherwise.

The Senate resumed the consideration of the report of the Committee of Claims, on the petition of Charles de Blanc. Whereupon,

Resolved, That the petitioner have leave to withdraw his petition and papers.

The bill, entitled "An act to explain the act 'to authorize certain officers and other persons to administer oaths,' approved May the 3d, 1798;" was read the second time, and referred to the Committee on the Judiciary, to consider and report thereon.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to establish a new Executive Department, and for other purposes; and the consideration thereof was further postponed until to-morrow.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to provide for the prompt settlement of public accounts, together with the amendments proposed thereto; and the further consideration thereof was postponed until Monday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act directing the discharge of Oliver Spellman from imprisonment;" and it was ordered to a third reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act directing the discharge of John Ricaud from imprisonment," together with the amendments reported thereto by the Committee of Claims; and the amendments having been agreed to, the PRESIDENT reported the bill to the House accordingly; and the amendments were ordered to be engrossed, and the bill read a third time as amended.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to authorize the State of Tennessee to issue grants and perfect titles on certain entries and locations of lands therein described, together with the amendments reported thereto by the Committee on Public Lands; and, on motion by Mr. CAMPBELL, the further consideration thereof was postponed until Monday next.

Mr. CAMPBELL, from the Committee on Finance, to whom was referred the bill, entitled "An act for the relief of Henry Malcolm," reported it without amendment.

Mr. CAMPBELL, from the same committee, to whom was referred the petition of James Humes, collector of the revenue for the 6th district of Pennsylvania, made report, together with the following resolution:

Resolved, That the prayer of the petition ought not to be granted.

Mr. ASHMUN submitted the following motion for consideration:

Resolved, That the Committee on Finance be instructed to inquire into the expediency of so far alter-

ing the law imposing a duty on carriages, as to exempt from its operation any carriage which is usually and chiefly employed in husbandry, or for the transportation or carrying of goods; with leave to report by bill or otherwise.

Mr. CAMPBELL, from the same committee, to whom was referred the bill, entitled "An act making a partial appropriation for the subsistence of the Army during the year 1817," reported it without amendment.

FRIDAY, January 17.

The PRESIDENT communicated a report of the Commissioners of the Navy Pension Fund, containing statements in relation to that fund, made in obedience to the "act for the better government of the Navy of the United States," and the report was read.

Mr. WILSON presented the petition of a number of citizens of the State of New Jersey, praying the establishment of a certain post route, as stated in the petition; which was read, and referred to the Committee on the Post Office and Post Roads; to consider and report thereon by bill or otherwise.

Mr. WILSON submitted the following motion for consideration:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of increasing the compensation of the postmaster at Newark, in New Jersey.

Mr. TAIT, from the committee to whom the subject was referred, reported a bill to enable the people of the western part of the Mississippi Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States; and the bill was read, and passed to a second reading.

Mr. TAIT, from the same committee reported a bill to establish a separate territorial government for the eastern part of the Mississippi Territory; and the bill was read, and passed to a second reading.

Mr. SMITH presented the petition of William Smith, senior, confined in prison at Charleston for a debt due the United States, and praying to be discharged therefrom, for reasons stated in the petition; which was read, and referred to the Committee of Claims, to consider and report thereon by bill or otherwise.

Mr. SMITH also presented the petition of John Kingsbury praying compensation for his services as a musician in the Army of the United States, as stated in the petition; which was read, and referred to the Committee of Claims, to consider and report thereon by bill or otherwise.

Mr. MASON, of Virginia, presented the memorial of Thomas Ewell, representing that he has made, and is bound by contracts, with the Navy Department, respecting gunpowder, and that the Department will not in any manner comply with the conditions of said contracts, and praying the interference of Congress for relief; and the memorial was read, and referred to the Committee of Claims, to consider and report thereon by bill or otherwise.

Mr. MASON, of Virginia, also presented the petition of the Levy Court of the county of Alexandria, in the District of Columbia, praying pecuniary aid in the erection of a court-house, jail, and public offices; and to authorize the said court to levy a tax in aid of erecting the same, and also to authorize the levy court to purchase the necessary ground for the accommodation of the same; and the petition was read, and referred to the Committee on the District of Columbia, to consider and report thereon by bill or otherwise.

Mr. WILSON submitted the following motion for consideration:

Resolved, That the Committee on Military Affairs be instructed to inquire whether any, and, if any, what further provisions are necessary to be made by law for securing to the widows or other heirs of soldiers, who died or were killed in the service of the United States, during the late war, the land bounty due to the soldiers respectively.

The Senate resumed the consideration of the motion of the 16th instant, for instructing the Committee on the Post Office and Post Roads to inquire into the expediency of establishing a certain post route, and agreed thereto.

The Senate resumed the consideration of the motion of the 16th instant, for instructing the Committee on Finance to inquire into the expediency of altering the law imposing a duty on carriages; and agreed thereto.

The Senate resumed the consideration of the motion of the 16th instant, for information relative to the Military Establishment, and the further consideration thereof was postponed until Monday next.

The Senate resumed the consideration of the report of the Committee on Public Lands, who were instructed to inquire into the expediency of authorizing an exchange of territory with any of the Indian tribes;" and on motion, by Mr. MORROW, the consideration thereof was postponed until Monday next.

The Senate resumed the report of the Committee on Finance, on the petition of James Humes, Collector of the Revenue for the 6th District of Pennsylvania; and on the question to agree thereto, it was determined in the affirmative—yeas 23, nays 13, as follows:

YEAS—Messrs. Ashmun, Brown, Daggett, Fromentin, Gaillard, Goldsborough, Hardin, Horsey, Hunter, King, Macon, Mason of New Hampshire, Ruggles, Smith, Talbot, Tait, Taylor, Thompson, Tichenor, Troup, Varnum, Wells, and Williams.

NAYS—Messrs. Barbour, Campbell, Chace, Condit, Howell, Lacock, Mason of Virginia, Morrow, Noble, Roberts, Sanford, Stokes, and Wilson.

So it was *Resolved*, That the prayer of the petition ought not to be granted.

The PRESIDENT communicated a report of the Acting Secretary for the Department of War, made in compliance with the resolution of the 14th instant, requesting information respecting the "exchange of lands with any of the Indian tribes now completed or contemplated under the

act of Congress, approved on the 26th day of March, 1804, entitled 'An act to erect Louisiana into two Territories, and to provide for the temporary government thereof," and the report was read.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

I transmit to Congress an account of the contingent expenses of the Government for the year 1816.

JAMES MADISON.

JANUARY 17, 1817.

The Message and account therein mentioned were read.

The bill, entitled "An act directing the discharge of Oliver Spellman, from imprisonment," was read a third time, and passed.

The amendments to the bill, entitled "An act directing the discharge of John Ricaud from imprisonment," having been reported by the committee correctly engrossed, the bill was read a third time as amended, and passed with amendments.

MONDAY, January 20.

The PRESIDENT communicated a memorial of the Legislature of the Mississippi Territory, praying for the appointment of an additional Judge east of Pearl river; and the memorial was read, and referred to the Committee on the Judiciary, to consider and report thereon by bill or otherwise.

The PRESIDENT also communicated another memorial of the said Legislature, praying the adjustment of British claims to certain lands, as stated in the memorial; which was read, and referred to the Committee on the Public Lands, to consider and report thereon by bill or otherwise.

He also communicated a letter from the Commissioner of the General Land Office, transmitting the report of the commissioners for ascertaining and adjusting claims to land in the eastern district of the State of Louisiana; which were read, and referred to the Committee on Public Lands, to consider and report thereon by bill or otherwise.

Mr. RUGGLES presented the petition of Samuel Brown, praying compensation for services during the Revolutionary war, as stated in the petition; which was read, and referred to the Committee of Claims, to consider and report thereon by bill or otherwise.

On motion by Mr. ROBERTS, the Committee of Claims, to whom was referred, on the 15th instant, the petition of James Miller, were discharged from the further consideration thereof; and the said petition was referred to the Committee of Finance, to consider and report thereon by bill or otherwise.

Mr. STOKES presented the memorial and representation of the Legislature of the State of North Carolina, respecting the lands within the State of Tennessee, reserved by said State, by her cession act, for the relief of her officers and soldiers, and other claimants; and the memorial was read.

Mr. TAIT, from the Committee on Naval Affairs, to whom was referred the bill respecting the heirs and legatees of Thomas Turner, deceased, with instructions, reported it without amendment.

He also reported a communication from the Secretary of the Navy Department, in relation thereto; which was read.

The Senate resumed the consideration of the motion of the 17th instant for instructing the Committee on the Post Office and Post Roads to inquire into the expediency of increasing the compensation of the postmaster at Newark, in New Jersey; and agreed thereto.

The Senate resumed the consideration of the motion of the 17th instant, for instructing the Committee on Military Affairs in relation to the land bounty due to the soldiers who died or were killed in the service of the United States during the late war; and agreed thereto.

Mr. MACON communicated the resolutions of the Legislature of the State of North Carolina, adopting the resolution of the Commonwealth of Massachusetts, proposing an amendment to the Constitution of the United States to regulate the mode of choosing the Representatives in Congress, and Electors of President and Vice President of the United States, and instructing their Senators to endeavor to obtain said amendment to the Constitution of the United States; and the resolutions were read.

The Senate resumed the report of the Committee on the Public Lands, who were instructed to inquire into the expediency of authorizing, by law, the exchange of territory with any of the Indian tribes, and the consideration thereof was postponed until to-morrow.

The Senate resumed the report of the Committee on Military Affairs, who were instructed to inquire into the expediency of appointing additional agents for the more convenient payment of persons placed on the pension list; and, on motion by Mr. ROBERTS, the consideration thereof was postponed until Friday next.

The Senate resumed the motion of the 16th instant, for information relative to the Military Establishment, and the further consideration thereof was postponed until to-morrow.

The bill to enable the people of the western part of the Mississippi Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, was read the second time.

The bill to establish a separate territorial government for the eastern part of the Mississippi Territory, was read the second time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to establish a new Executive Department, and for other purposes. The bill was defended and supported by Messrs. ROBERTS, BARBOUR, and SANFORD, and opposed by Messrs. TAIT, MACON, and KING; and, no amendment having been proposed there-

to, it was reported to the House, and, on motion by Mr. SMITH, the further consideration thereof was postponed until Thursday next.

A message from the House of Representatives informed the Senate that they have passed a resolution for the appointment of a joint committee to allot rooms to the committees of each House; in which resolution they request the concurrence of the Senate.

The resolution last mentioned was read three times by unanimous consent, and concurred in; Messrs. HARDIN and MACON were appointed the committee on their part.

The PRESIDENT communicated a report of the Secretary of the Navy Department, made in obedience to the resolutions of the Senate of the 21st of December, 1815, and the 8th of January, instant, containing all the information in the possession of that department, respecting surveys of the waters of the Chesapeake, the Middle Ground, and the several sites proper for the establishment of docks and a naval depot; and the report was read, and referred to the Committee on Naval Affairs, to consider and report thereon by bill or otherwise.

On motion by Mr. ROBERTS, the Committee of Claims, to whom was referred the petition of Elisha Tracy, were discharged from the further consideration thereof; and the petitioner had leave to withdraw his petition and documents.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to provide for the prompt settlement of public accounts, together with the amendments proposed thereto, and the further consideration was postponed until Friday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of Henry Malcolm;" and the further consideration thereof was postponed until Monday next. And it was ordered that the report of the Secretary of the Treasury, on the petition of Henry Malcolm, be printed for the use of the Senate.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act making a partial appropriation for the subsistence of the Army during the year 1817;" and the bill was ordered to a third reading.

PRIVATEER GENERAL ARMSTRONG.

Mr. TAIT, from the Committee on Naval Affairs, to whom was referred the memorial of Frederick Jenkins and Rensselaer Havens, in behalf of the owners, officers, and crew of the late private armed brig General Armstrong, made a report; which was read. The report is as follows:

The Naval Committee of the Senate, to whom has been referred the memorial of Frederick Jenkins and Rensselaer Havens, in behalf of the owners, officers, and crew of the late private armed brig General Armstrong, report:

The memorialists state that on the 26th of September, in the year 1814, while the private armed brig General Armstrong was lying at anchor in the port of Fayal, she was attacked by a superior British force, and, after a brave resistance by her commander, Samuel C. Reed, and his valiant crew, the brig was destroyed. They also state that the vessel and armament cost $42,000, and pray that such relief, indemnity, or compensation may be extended to the owners, officers, and crew of the privateer, as, under the peculiar circumstances attending her destruction, may be deemed by Congress just and equitable.

The committee are left to conjecture the grounds on which the memorialists rely for a remuneration or indemnity from their own Government. It is presumed, however, that the claim must be supported, if supported at all, on one of two grounds: 1st. Because the vessel and armament were destroyed by the public enemy in a *neutral port, in violation of the laws of nations*; or, 2dly. Because the brave and gallant defence of Captain Reed, his officers, and crew, entitles them to the bounty of the Government.

The committee are unable to perceive what right of indemnity the citizens of the United States can acquire against their own Government for losses sustained in consequence of the violated rights of a third party. It is the duty, no doubt, of all Governments to extend to the person and property of the citizen all the protection in their power. It is the end of all Governments to do so. It is the right of the citizen to make known his wrongs to his Government, and it is the duty of the Government to seek redress by such means as it may deem expedient. The neutrality of Portugal was grossly violated in the case of the private armed ship General Armstrong. It was the duty of that Government to preserve her neutral character, and to protect the brig and all on board from any hostile attack while in her port. Either from want of ability or inclination, she failed to do so. But can this failure to support its own rights and perform its duty towards us, vest a right in an individual to come on his own Government for indemnity on account of a pecuniary loss? The United States, it is believed, have done, or will do, what comports with their rights and their character. That indemnity from Portugal for the loss of this property should be insisted on as an affair of State, is perhaps highly proper; but the committee cannot perceive how the weakness or the delinquency of Portugal can impose on the United States the duty of indemnifying the memorialists for the loss of the brig and her armament.

The committee believe that this opinion is in conformity with the practice of this Government, and perhaps of all Governments. Antecedent to the year 1802, much property belonging to citizens of the United States had been wrongfully seized by the cruisers of France. In no case known to the committee did this Government indemnify its citizens from its own Treasury. Indemnity was sought from France by negotiation, and obtained in the Louisiana convention. Citizens of the United States at this moment have claims to a vast amount against the Governments of France, Spain, and Naples, for property seized in violation of all right. On principle, all these claimants have the same right to demand indemnity from their own Government as the memorialists in the present case; for, in principle, the committee can see no distinction between a private armed ship and a merchant ship; nor between property captured and converted to the use of the captors, and property destroyed by a third party omitting to do its duty.

If this is a mere appeal to the liberality of Congress;

if the memorialists rely for the success of their application on the bravery, gallantry, and good conduct of Captain Reed, his officers, and crew, in the defence of the vessel, then the committee are sensible that a stronger case of the kind could not present itself. The stubborn bravery, the cool intrepidity, and presence of mind displayed by Captain Reed and his associates in the defence of the ship, were perhaps never equalled, certainly never surpassed, by any private armed vessel in the annals of naval warfare. It has excited the admiration of the nation, and cannot fail to immortalize those concerned. If actions like this are to be rewarded with money, too much could not be given. But Government is but the trustee of the nation, and is bound deliberately to examine into the principle on which the treasure of the nation is bestowed, and the extent of the precedent which is set in bestowing it. It is unknown to the committee that Congress, as yet, has ever dispensed its bounty, or in any way bestowed a gratuity for any achievement, except to its own peculiar force, nor in any case except there was victory. The committee are of opinion that it would be inexpedient to do so. It would open the Treasury to a class of cases arising out of the last war which would be extensive and onerous. The effects of such a measure must be counted on, for they would be felt in all future wars.

The case of the Essex, attacked also in a neutral situation, was a strong one. The defence there, too, was valiant, persevering, and highly honorable to all on board, as well as to the nation; yet Congress has done nothing, for the essential quality of victory was wanting to the transaction. The committee, therefore, in whatever aspect they view the application of the memorialists, are of opinion that it would be unsafe and inexpedient to grant it, and recommend the following resolution:

Resolved, That the Committee on Naval Affairs be discharged from the further consideration of the memorial of Frederick Jenkins and Rensselaer Havens.

The Senate resumed, as in Committee of the Whole, the consideration of the resolution to authorize the President of the United States to employ John Trumbull to compose and execute a painting commemorative of the Declaration of Independence, together with the amendment reported thereto by the select committee. On this bill there was a debate, Mr. BARBOUR being its principal supporter. The resolve was so amended as to authorize the execution of four pictures of the principal events of the Revolutionary history; and, thus amended, was ordered to be engrossed and read a third time.

TUESDAY, January 21.

Mr. ROBERTS, from the Committee of Claims, to whom the subject was referred, reported a bill authorizing the settlement of the accounts of Flavil Sabin, deceased; and the bill was read, and passed to the second reading.

Mr. ROBERTS, from the Committee of Claims, who were instructed to inquire into the expediency of authorizing, by law, the payment to the State of Georgia of certain claims for the services of the militia, called out under the authority of the United States, during the years 1792 and 1793, for the defence of the said State against Indian invasion, made a report, together with the following resolution:

Resolved, That a committee be appointed to draught and report a bill appropriating $109,130 65, for the payment of the said claim to the State of Georgia.

The report and resolution were read.

The Senate resumed the consideration of the motion of the 16th instant, for information relative to the Military Establishment, which, having been amended, was agreed to as follows:

Resolved, That the Secretary at War be directed to lay before the Senate a statement at what posts the present Army of the United States are stationed, and the actual number at each post respectively.

The Senate resumed the consideration of the report of the Committee on the Public Lands, who were instructed "to inquire into the expediency of authorizing, by law, an exchange of territory with any of the Indian tribes."

On the question to agree thereto, it was determined in the affirmative—yeas 19, nays 17, as follows:

YEAS—Messrs. Barbour, Campbell, Condit, Hardin, Howell, Macon, Mason of New Hampshire, Morrow, Noble, Roberts, Ruggles, Sanford, Smith, Stokes, Tait, Talbot, Taylor, Troup, and Williams.

NAYS—Messrs. Ashmun, Brown, Chace, Daggett, Dana, Fromentin, Gaillard, Goldsborough, Horsey, Hunter, King, Mason of Virginia, Thompson, Tichenor, Varnum, Wells, and Wilson.

So it was

Resolved, That an appropriation be made, by law, to enable the President of the United States to negotiate treaties with the Indian tribes; which treaties shall have for their object an exchange of territory owned by any tribe residing east of the Mississippi, for land west of that river.

On motion by Mr. MORROW,

Ordered, That it be referred to the Committee of Finance, with instructions to bring in a bill accordingly.

Mr. ROBERTS, from the Committee of Claims, to whom was referred the bill, entitled "An act to amend the act authorizing the payment for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes," passed the 9th of April, 1816, reported it with amendments, which were read.

Mr. KING presented the memorial of the ship owners, and others, interested in foreign commerce in the city of New York, representing that the operation of the several commercial and colonial regulations adopted by foreign nations for the protection and promotion of their own trade has depressed that of the United States, and praying that all restrictions be removed or rendered equal by the adoption of correspondent regulations on the part of the United States; and the memorial was read, and referred to the Committee on Foreign Relations, to consider and report thereon by bill or otherwise.

The resolution to authorize the President of the United States to employ John Trumbull to compose and execute certain paintings, was read

a third time; and on the question, "Shall this resolution pass?" it was determined in the affirmative—yeas 25, nays 7, as follows:

YEAS—Messrs. Ashmun, Barbour, Brown, Daggett, Dana, Fromentin, Gaillard, Goldsborough, Hardin, Horsey, Hunter, King, Mason of New Hampshire, Mason of Virginia, Sanford, Smith, Stokes, Tait, Talbot, Taylor, Thompson, Tichenor, Varnum, Wells, and Williams.

NAYS—Messrs. Condit, Macon, Morrow, Noble, Roberts, Ruggles, and Wilson.

So it was

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States be, and he is hereby, authorized to employ John Trumbull, of Connecticut, to compose and execute four paintings commemorative of the most important events of the American Revolution; to be placed, when finished, in the Capitol of the United States.

The bill entitled "An act making a partial appropriation for the subsistence of the Army, during the year 1817," was read a third time, and passed.

WEDNESDAY, January 22.

The Senate resumed the consideration of the report of the Committee on Naval Affairs, on the memorial of Frederick Jenkins and Rensselaer Havens; and the further consideration thereof was postponed until Monday next.

The Senate resumed the consideration of the report of the Committee of Claims, who were instructed to inquire into the expediency of authorizing by law the payment to the State of Georgia of certain claims for the services of the militia, called out under the authority of the United States, during the years 1792 and 1793, for the defence of the said State against Indian invasion.

On motion, by Mr. ROBERTS,

Ordered, That the further consideration thereof be postponed until Monday next; and that the report of the Secretary for the Department of War, of the 3d of February, 1803, in relation thereto, be printed for the use of the Senate.

Mr. CHACE presented the petition of Reuben Attwater, late Secretary of the Michigan Territory, praying compensation for the destruction of his property by the British, at the surrender of Detroit by General Hull, as stated in the petition; which was read, and referred to the Committee of Claims, to consider and report thereon by bill or otherwise.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to authorize the State of Tennessee to issue grants and perfect titles on certain locations of lands therein described, together with the amendments reported thereto by the Committee on the Public Lands.

Mr. CAMPBELL having proposed a further amendment:

On motion, by Mr. STOKES,

Ordered, That the bill, with the amendments proposed thereto, together with the memorial and representation of the Legislature of the State of North Carolina, respecting the lands reserved by said State, by her cession act, for the relief of her officers and soldiers, and other claimants within the territory of the State of Tennessee, be referred to the Committee on the Public Lands, further to consider and report thereon.

The bill authorizing the settlement of the accounts of Flavil Sabin, deceased, was read the second time.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to amend an act, entitled 'An act authorizing the payment of a sum of money to Joseph Stewart and others;" in which bill they request the concurrence of the Senate.

The bill last mentioned was read, and passed to a second reading.

On motion, by Mr. BARBOUR,

Resolved, That five hundred copies be printed of the report of Mr. Jefferson, then Secretary of State, dated December 16, 1793, on the privileges and restrictions of the commerce of the United States in foreign countries, pursuant to the resolution of the House of Representatives of February 23, 1791.

On motion by Mr. MASON, of Virginia,

Ordered, That the Committee of Claims, to whom was referred the memorial of Thomas Ewell, be discharged from the further consideration thereof; and that the memorialist have leave to withdraw his memorial.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to provide for the due execution of the laws of the United States within the State of Indiana; and the further consideration thereof was postponed until Tuesday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill respecting the heirs and legatees of Thomas Turner, deceased; and, on the question, "Shall this bill be engrossed and read a third time?" it was determined in the negative.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to enable the people of the western part of the Mississippi Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States; and, on motion by Mr. TAIT, the further consideration thereof was postponed to, and made the order of the day for, Monday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to establish a separate territorial government for the eastern part of the Mississippi Territory; and, on motion by Mr. TAIT, the further consideration thereof was postponed to, and made the order of the day for, Tuesday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to amend the act, 'authorizing the payment for property lost, captured, or destroyed by the enemy, while in the military service of the Uni-

ted States, passed the 9th of April, 1816," together with the amendments reported thereto by the Committee of Claims; and, on motion by Mr. TALBOT, the further consideration thereof was postponed until Friday next.

THURSDAY, January 23.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I transmit to the Senate a report of the Acting Secretary of War, in compliance with their resolution of the 8th instant. JAMES MADISON.

JANUARY 23, 1817.

The Message and report were read.

The PRESIDENT communicated a report of the Acting Secretary of War, in compliance with the resolution of the Senate of the 21st instant, showing the posts at which the present Army of the United States is stationed; and the actual number at each post, respectively. And the report was read.

Mr. TALBOT presented the petition of Richard Taylor, senior, a naval officer of the Revolutionary war, praying a pension, or other relief, in consideration of a severe wound, received while engaged in the service of his country, as stated in the petition; which was read, and referred to the Committee on Pensions, to consider and report thereon by bill or otherwise.

Mr. CAMPBELL, from the Committee on Finance, to whom the subject was referred, reported a bill making an appropriation to enable the President of the United States to hold treaties with the Indian tribes therein mentioned; and the bill was read, and passed to a second reading.

On motion, by Mr. KING, the memorial of the ship owners engaged in foreign commerce in the city of New York, presented the 21st instant, was ordered to be printed for the use of the Senate.

On motion by Mr. FROMENTIN, the memorial of Frederick Jenkins and Rensselaer Havens, in behalf of the owners, officers, and crew, of the late private armed brig General Armstrong, was ordered to be printed for the use of the Senate.

On motion by Mr. TAIT, the committee on the Post Office and Post Roads were instructed to inquire into the expediency of establishing a post route from Milledgeville, in Georgia, to Carnesville, by Washington, Elberton and Danielville.

The bill entitled, "an act to amend an act, entitled 'an act authorizing the payment of a sum of money to Joseph Stewart, and others,'" was read the second time, and referred to the Committee of Claims, to consider and report thereon.

Mr. ROBERTS, from the Committee of Claims, to whom the subject was referred, reported a bill, directing the discharge of William Smith from imprisonment; and the bill was read, and passed to the second reading.

The Senate resumed the consideration of the bill to establish a new Executive Department, and for other purposes; and on motion by Mr. CAMPBELL, the further consideration thereof was postponed until Monday next.

FRIDAY, January 24.

On motion by Mr. ROBERTS, the Committee of Claims, to whom was referred the petition of John Kingsbury, were discharged from the further consideration thereof.

Mr. ROBERTS, from the Committee of Claims, to whom the subject was referred, reported a bill establishing the salaries of the messengers in the Executive Departments; and the bill was read, and passed to the second reading.

Mr. ROBERTS, from the Committee of Claims, to whom the subject was referred, also reported a bill for the relief of John Haslet; and the bill was read, and passed to the second reading.

Mr. GOLDSBOROUGH, from the Committee of Claims, to whom was referred the bill entitled, "an act to amend an act, entitled 'an act authorizing the payment of a sum of money to Joseph Stewart and others,'" reported it without amendment.

Mr. CHASE, from the Committee on the Judiciary, who were instructed to inquire into the expediency of amending the law, regulating the intercourse with the Indian tribes, reported a bill to provide for the punishment of crimes and offences committed within the Indian boundaries; and the bill was read, and passed to the second reading.

Mr. FROMENTIN submitted the following motion for consideration:

Resolved, That every member of the Senate, and every member of the House of Representatives, and every delegate of Territories, be supplied at the beginning of every session of Congress with a copy of the acts of Congress passed at the preceding session.

Resolved further, That every member of the present Congress be supplied with a copy of the acts passed at the first session of the Fourteenth Congress.

Mr. MORROW, from the Committee on the Public Lands, to whom the subject was referred, reported a bill providing for the division of certain quarter sections in future sales of the public lands; and the bill was read, and passed to the second reading.

On motion by Mr. TALBOT, the Committee on Pensions, to whom was referred the petition of Richard Taylor, sen., were discharged from the further consideration thereof; and it was referred to a select committee, to consider and report thereon, by bill or otherwise; and Messrs. TALBOT, ASHMUN, and WILLIAMS, were appointed the committee.

The Senate resumed, as in Committee of the Whole, the consideration of the bill authorizing the settlement of the accounts of Flavil Sabin, deceased; the bill was ordered to be engrossed and read a third time.

The Senate resumed the consideration of the report of the Committee on Military Affairs, who were instructed "to inquire into the expediency of authorizing the appointment of additional agents for the payment of persons placed on the pension list;" and on motion, by Mr. LACOCK, the further consideration thereof was postponed until Monday next.

The bill directing the discharge of William Smith from imprisonment, was read a second time.

The bill making an appropriation to enable the President of the United States to hold treaties with the Indian tribes, for the purpose therein mentioned, was read the second time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to provide for the prompt settlement of public accounts, together with the amendments proposed thereto; and the bill having been amended, the PRESIDENT reported it to the House accordingly; and the amendments, made as in Committee of the Whole, having been agreed to with further amendments, on motion by Mr. TALBOT, the further consideration of the bill was postponed until Tuesday next; and the bill was ordered to be printed as amended, for the use of the Senate.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to repeal, after the close of the present session of Congress, the act entitled, 'An act to change the mode of compensation to the members of the Senate and House of Representatives, and the delegates from the Territories,' passed the nineteenth of March, one thousand eight hundred and sixteen," in which bill they request the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill entitled "An act to amend the act 'authorizing the payment for property lost, captured, or destroyed by the enemy, while in the military service of the United States,' passed the 9th of April, 1816," together with the amendments reported thereto by the Committee of Claims; and, on motion by Mr. TALBOT, the further consideration thereof was postponed until Wednesday next.

The Senate adjourned to Monday.

MONDAY, January 27.

The PRESIDENT communicated the report of the Secretary of the Treasury, made in obedience to the "Act of March 3, 1809, further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments," containing the statements therein required; and the report was read.

Mr. TAIT, from the Committee on Naval Affairs, to whom the subject was referred, reported a bill authorizing the appointment of hospital surgeons, and hospital surgeons' mates, in the Navy of the United States, and the bill was read, and passed to a second reading.

Mr. TAIT also communicated sundry documents in relation thereto, which were read.

Mr. ROBERTS, from the Committee of Claims, to whom was referred the petition of Rachael Dohrman, made a report, together with the following resolution:

Resolved, That a committee be appointed to draught and report a bill allowing —— dollars annually to Rachael Dohrman, widow of Arnold Henry Dohrman, during such time as she may remain a widow, payable quarterly; and —— dollars annually to each of the minor children of said Dohrman, until they shall respectively arrive at the age of twenty-one years, which benefits shall be received and applied under the superintendence of the Orphan's Court of the proper county.

The report and resolution were read.

Mr. TAIT, from the Committee on Naval Affairs, asked and obtained leave to report a bill "in addition to an act for the relief of George T. Ross and Daniel T. Patterson, and the officers and men lately under their command," and the bill was read, and passed to a second reading.

Mr. TAIT, from the same committee, also asked and obtained leave to report a bill to repeal the second section of an act, entitled "An act concerning the pay of the officers, seamen, and marines in the Navy of the United States," and the bill was read, and passed to a second reading.

Mr. TROUP submitted the following motion for consideration:

Resolved, That the President of the United States be requested to cause to be laid before the Senate such information as he may possess touching the execution of so much of the first article of the late treaty of peace and amity, between His Britannic Majesty and the United States of America, as relates to the restitution of slaves.

On motion, by Mr. TAIT, the report of the Secretary of the Navy Department communicated the 20th instant, made in obedience to the resolutions of the Senate of the 21st of December, 1815, and the 8th of January instant, was ordered to be printed for the use of the Senate.

The Senate resumed the consideration of the report of the Committee on Military Affairs, who were instructed to inquire into the expediency of authorizing the appointment of additional agents for the payment of persons placed on the pension list—"That it is *inexpedient* to extend the provisions of the law on that subject."

Whereupon, on motion, by Mr. LACOCK, it was amended. And,

Resolved, That it is expedient to extend the provisions of the law on that subject.

Ordered, That it be recommitted to the Committee on Military Affairs, to bring in a bill accordingly.

The Senate resumed the report of the Committee on Naval Affairs, to whom was referred the memorial of Frederick Jenkins and Rensselaer Havens, in behalf of the owners, officers, and crew of the late private armed brig General Armstrong; which was amended and agreed to as follows:

Resolved, That the Committee on Naval Affairs be discharged from the further consideration of the memorial of Frederick Jenkins and Rensselear Havens, and that the same be referred to the Secretary for the Department of State.

The Senate resumed the consideration of the report of the Committee of Claims, who were instructed to inquire into the expediency of authorizing, by law, the payment of certain claims

of the State of Georgia, for militia services during the years 1792 and 1793. Whereupon,

Resolved, That a committee be appointed to draught and report a bill appropriating one hundred and nine thousand dollars and sixty-five cents for the payment of the said claim to the State of Georgia.

On motion, by Mr. ROBERTS, the said resolution was recommitted to the Committee of Claims.

Mr. CHACE, from the Committee on the Judiciary, to whom was referred the bill, entitled "An act to explain the act to authorize certain officers and other persons to administer oaths, approved May 3, 1798," reported it with amendments; which were read.

The resolution for supplying the members with certain acts of Congress, was read and amended, and passed to the second reading.

The bill authorizing the settlement of the accounts of Flavil Sabin, deceased, was read a third time and amended by unanimous consent, and passed.

The bill, entitled "An act to repeal, after the close of the present sbssion of Congress, the act, entitled 'An act to change the mode of compensation to the members of the Senate and House of Representatives, and the delegates from Territories,' passed the 19th of March, 1816," was read the second time.

Mr. SANFORD presented the memorial of sundry merchants of the city of New York, praying the establishment, by law, of uniform rates of damages and interest in cases of protests of inland as well as foreign bills of exchange; and the memorial was read, and referred to the Committee on Commerce and Manufactures, to consider and report thereon by bill or otherwise.

The bill for the relief of John Haslet was read the second time.

The bill establishing the salaries of the messengers in the Executive Departments, was read the second time.

The bill providing for the division of certain quarter-sections in future sales of the public lands, was read the second time.

The bill to provide for the punishment of crimes and offences committed within the Indian boundaries was read the second time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to enable the people of the western part of the Mississippi Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States; and, after progress, the Senate adjourned.

TUESDAY, January 28.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

I lay before Congress copies of ratified treaties between the United States and the following Indian tribes:

1. The Wea and Kickapoo;
2. The united tribes of Ottawas, Chippewas, and Potawotomies, residing on the Illinois and Melwakee rivers and their waters, and on the southwestern parts of Lake Michigan;
3. That portion of the Winnebago tribe or nation residing on the Ouisconsin river;
4. The Sacs of Rock river and the adjacent country;
5. Eight bands of the Siouxs, composing the three tribes called the Siouxs of the Leaf, the Siouxs of the Broad Leaf, and the Siouxs who shot in the pine tops;
6. The Chickasaw tribe of Indians;
7. The Cherokee tribe of Indians;
8. The Chactaw tribe of Indians.

Congress will take into consideration how far Legislative provisions may be necessary for carrying into effect stipulations contained in the said treaties.

JAMES MADISON.

JANUARY 25, 1817.

The Message was read.

Mr. GOLDSBOROUGH presented the petition of William B. Stokes, praying compensation for the destruction of a house in Havre de Grace by His Britannic Majesty's forces, in consequence of its having been occupied by the United States' troops, as stated in the petition; which was read, and referred to the Committee of Claims, to consider and report thereon by bill or otherwise.

Mr. TICHENOR presented the petition of Lewis Olmstead, of Burlington, Vermont, praying to be discharged from imprisonment, for reasons stated in the petition; which was read, and referred to the Committee of Claims, to consider and report thereon by bill or otherwise.

Mr. ROBERTS, from the Committee of Claims, to whom the subject was referred, reported a bill making appropriations for the payment of certain claims for militia services to the State of Georgia; and the bill was read, and passed to the second reading.

Mr. WILLIAMS, from the Committee on Military Affairs, who were instructed on the subject, reported a bill to appoint additional pension agents; and the bill was read, and passed to the second reading.

Mr. TALBOT presented the memorial of Harry Toulmin, praying some modification of the bill now before the Senate, for erecting the western part of the Mississippi Territory into a State; and the memorial was read.

The Senate resumed the consideration of the motion, of the 27th instant, for information touching the execution of so much of the first article of the late Treaty of Peace and Amity between His Britannic Majesty and the United States of America as relates to the restitution of slaves, and agreed thereto.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of Rachael Dorhman; and having agreed thereto, on motion by Mr. ROBERTS, it was recommitted to the said committee, to bring in a bill accordingly.

The bill authorizing the appointment of hospital surgeons and hospital surgeons' mates in the Navy of the United States was read the second time.

The bill, in addition to "An act for the relief

of George T. Ross and Daniel T. Patterson, and the officers and men lately under their command," was read the second time.

A bill to repeal the second section of an act, entitled "An act concerning the pay of officers, seamen, and marines, in the Navy of the United States," was read the second time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to enable the people of the western part of the Mississippi Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States; and the bill having been amended, the PRESIDENT reported it to the House accordingly; and the amendments were agreed to. And, on motion by Mr. WILLIAMS, the further consideration of the bill was postponed until to-morrow.

The resolution for supplying the members with the acts of Congress was read the second time.

The Senate resumed the consideration of the bill to establish a new Executive Department, and for other purposes; and the further consideration thereof was postponed until to-morrow.

The Senate resumed the consideration of the bill for the prompt settlement of public accounts. And the bill having been further amended, it was ordered to be engrossed, and read a third time.

WEDNESDAY, January 29.

Mr. MASON, of Virginia, presented another petition from Thomas Ewell on the subject of his contracts with the Navy Department respecting gunpowder, praying the interference of Congress to the end that the said contracts may be fulfilled; and the petition was read, and referred to the Committee of Claims, to consider and report thereon by bill or otherwise.

Mr. HORSEY, from the committee to whom was referred so much of the Message of the President of the United States as relates to the slave trade, reported a bill respecting the transportation of persons of color for sale, or to be held to labor; and the bill was read, and passed to the second reading.

Mr. HORSEY, from the same committee, also reported a bill respecting persons escaping from the service of their masters; and the bill was read, and passed to the second reading.

Mr. MASON, of Virginia, presented the memorial of Thomas Law, and others, members of the Columbian Institute, praying an act of incorporation, the grant of a part of the public reservation in the City of Washington for a botanical garden, and pecuniary aid to enable them to extend the benefits flowing from the society; and the memorial was read, and referred to the Committee on the District of Columbia, to consider and report thereon by bill or otherwise.

On motion by Mr. MORROW, the Committee on the Post Office and Post Roads were instructed to inquire into the expediency of establishing a post road from Piqua, in the State of Ohio, to Fort Wayne; and report thereon.

Mr. TAIT, from the Committee on Naval Affairs, asked and obtained leave to report a bill to amend and explain an act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States; and the bill was read, and passed to the second reading.

Mr. TAIT also submitted sundry documents in relation thereto.

The bill making appropriations for the payment of certain claims for militia services to the State of Georgia, was read the second time.

The bill to appoint additional pension agents was read the second time.

The Senate resumed the consideration of the bill to enable the people of western part of the Mississippi Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States; and the bill having been further amended, on the question, "Shall this bill be engrossed and read a third time?" it was determined in the affirmative—yeas 23, nays 11, as follows:

YEAS—Messrs. Barbour, Brown, Campbell, Chace, Condit, Fromentin, Gaillard, Horsey, Howell, Lacock, Mason of Virginia, Morrow, Noble, Roberts, Ruggles, Sanford, Stokes, Tait, Talbot, Troup, Wells, Williams, and Wilson.

NAYS—Messrs. Ashmun, Daggett, Goldsborough, Hunter, King, Macon, Mason of New Hampshire, Smith, Thompson, Tichenor, and Varnum.

The Senate resumed the consideration of the bill to establish a new Executive Department, and for other purposes; and on the question, "Shall this bill be engrossed and read a third time?" it was determined in the negative—yeas 11, nays 23, as follows:

YEAS—Messrs. Barbour, Campbell, Chace, Fromentin, Gaillard, Howell, Lacock, Mason of Virginia, Roberts, Sanford, and Smith.

NAYS—Messrs. Ashmun, Brown, Condit, Daggett, Goldsborough, Horsey, Hunter, King, Macon, Mason of New Hampshire, Morrow, Noble, Ruggles, Stokes, Tait, Talbot, Thompson, Tichenor, Troup, Varnum, Wells, Williams, and Wilson.

A message from the House of Representatives informed the Senate that they have passed a bill, entitled "An act more effectually to preserve the neutral relations of the United States;" in which bill they request the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading.

Mr. ROBERTS, from the Committee of Claims, pursuant to instructions, reported a bill for the relief of the widow and children of Arnold Henry Dohrman, deceased; and the bill was read, and passed to the second reading.

THURSDAY, January 30.

Mr. SANFORD gave notice, that to-morrow he should ask leave to bring in a bill to provide for reports and decisions of the Supreme Court.

Mr. MASON, of Virginia, presented the petition of Andrew J. Villard, praying remuneration for property destroyed by fire at Greenleaf's Point, in

the City of Washington, in August, 1814; as stated in the petition, which was read, and referred to the Committee of Claims, to consider and report thereon, by bill or otherwise.

Mr. MASON, of Virginia, also presented a petition of Jacint Laval, late of the United States Army, praying for relief in the settlement of his accounts, in consequence of his vouchers having been destroyed by fire in Andrew J. Villard's house at Greenleaf's Point, in August, 1814, as stated in the petition; which was read, and referred to the same committee, to consider and report thereon, by bill or otherwise.

Mr. BROWN presented the petition of Denis de la Rondi, of New Orleans, in the State of Louisiana, praying compensation for the destruction of certain property by order of General Coffee, in the defence of New Orleans; as stated in the petition; which was read, and referred to the Committee of Claims, to consider and report thereon, by bill or otherwise.

Mr. TALBOT, from the committee to whom the subject was referred, reported a bill, granting a pension to Commodore Richard Taylor; and the bill was read, and passed to the second reading.

The bill respecting persons escaping from the service of their masters, was read the second time.

The bill for the relief of the widow and children of Arnold Henry Dohrman, deceased, was read the second time.

The bill to amend and explain "An act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States," was read the second time.

The bill, entitled "An act more effectually to preserve the neutral relations of the United States," was read the second time, and referred to the Committee on Foreign Relations, to consider and report thereon.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to amend the 'act authorizing the payment for property lost, captured, or destroyed by the enemy, while in the military service of the United States, and for other purposes,' passed the 9th of April, 1816," together with the amendments reported thereto by the Committee of Claims, and Mr. VARNUM was requested to take the Chair.

On motion of Mr. MASON, of New Hampshire,

Ordered, That the bill be recommitted to the Committee of Claims, with instructions so to amend the same, as to make it the duty of the Commissioner to examine all testimony relating to claims arising under the 9th section of the original act, and report the facts to Congress for their determination.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to establish a separate Territorial government for the eastern part of the Mississippi Territory; and, the bill having been amended, the PRESIDENT reported it to the House accordingly; and, the amendment having been concurred in, the bill was ordered to be engrossed, and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to provide for the due execution of the laws of the United States within the State of Indiana; and, the bill having been amended, the PRESIDENT reported it to the House accordingly; and, the amendments having been concurred in, the bill was ordered to be engrossed, and read a third time.

The bill to provide for the prompt settlement of the public accounts was read a third time, and passed.

Mr. TICHENOR, from the Committee of Claims, to whom the subject was referred, reported a bill, directing the discharge of Lewis Olmstead from imprisonment; and the bill was read, and passed to a second reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of Henry Malcolm;" and the further consideration thereof was postponed until to-morrow.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to repeal, after the close of the present session of Congress, the act entitled 'An act to change the mode of compensation to the members of the Senate and House of Representatives, and the delegates from Territories,' passed the 19th of March, 1816."

On motion by Mr. CHACE, to strike out the proviso, as follows: "*Provided, always*, That nothing 'herein contained shall be construed to revive 'any act or acts, or parts of acts, repealed or sus-'pended by the act hereby repealed;" it was determined in the negative—yeas 11, nays 22, as follows:

YEAS—Messrs. Barbour, Chace, Goldsborough, Macon, Mason of New Hampshire, Mason of Virginia, Noble, Ruggles, Sanford, Tichenor, and Varnum.

NAYS—Messrs. Ashmun, Brown, Campbell, Condit, Daggett, Fromentin, Gaillard, Horsey, Howell, Hunter, King, Lacock, Morrow, Roberts, Smith, Stokes, Talbot, Tait, Thompson, Troup, Wells, and Williams.

No amendment having been agreed to, the PRESIDENT reported the bill to the House, and it was ordered to a third reading.

FRIDAY, January 31.

The PRESIDENT communicated a report of the President and Directors of the Washington Canal Company, made in obedience to the provisions of their charter, containing an account of their expenditures, with a statement of the clear profits thereof; and the report was read.

Agreeably to notice, Mr. SANFORD asked and obtained leave to bring in a bill to provide for the reports of the decisions of the Supreme Court; and the bill was read, and passed to the second reading.

Mr. WILLIAMS, from the Committee on Military Affairs, asked and obtained leave to report a bill making provision for subsisting the Army of the United States, by authorizing the appointment of Commissaries of Subsistence; and the bill was read, and passed to the second reading.

The bill respecting the transportation of persons of color for sale, or to be held for labor, was read the second time.

The bill granting a pension to Commodore Richard Taylor, was read the second time.

The bill directing the discharge of Lewis Olmstead from imprisonment, was read the second time.

Mr. BROWN presented the petition of Joseph Martin, and others, emigrants from France, in behalf of themselves and of numerous others expected in the United States, who have associated for the purpose of forming a settlement for themselves and their posterity, in this country, praying for permission to purchase a body of land suited to their objects, belonging to the United States; and the petition was read, and referred to the Committee on the Public Lands, to consider and report thereon, by bill or otherwise.

Mr. GOLDSBOROUGH, from the Committee of Claims, to whom was referred the petition on behalf of the representatives of Francis Cazeau, made a report, together with the following resolution:

Resolved, That the Committee of Claims be instructed to report a bill authorizing the payment of $42,737 97, to the legal representatives of Francis Cazeau, late merchant at Montreal, or to his assignee or attorney, or other person lawfully constituted and empowered to receive the same.

The report and resolution were read.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to amend an act, entitled 'An act authorizing the payment of a sum of money to Joseph Stewart, and others;" and, no amendment having been proposed, the PRESIDENT reported the bill to the House, and it passed to a third reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, directing the discharge of William Smith from imprisonment; and, no amendment having been proposed, the PRESIDENT reported the bill to the House, and it was ordered to be engrossed, and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of Henry Malcolm;" and, no amendment having been agreed to, the PRESIDENT reported the bill to the House, and it was ordered to a third reading.

The bill to enable the people of the western part of the Mississippi Territory to form a constitution and State government, and for the admission of such State into the Union, on an equal footing with the original States, was read a third time, and passed.

The bill to establish a separate Territorial government for the eastern part of the Mississippi Territory having been reported by the committee correctly engrossed, on motion by Mr. TAIT, it was referred to a select committee, to consider and report thereon; and Messrs. TAIT, BROWN, and CHACE, were appointed the committee.

The bill to provide for the due execution of the laws of the United States, within the State of Indiana, having been reported by the committee correctly engrossed, was read a third time, and the blanks filled, 1st, 1,000; 2d, 200; and 3d, 200.

Resolved, That this bill pass, and that the title thereof be, "An act to provide for the due execution of the laws of the United States, in the State of Indiana."

The bill, entitled "An act to repeal, after the close of the present session of Congress, the act, entitled 'an act to change the mode of compensation of the members of the Senate and House of Representatives, and delegates from Territories,' passed the 19th of March, 1816," was read a third time.

On motion, by Mr. DAGGETT, that the further consideration thereof be postponed to the 4th day of March next, it was determined in the negative—yeas 7, nays 27, as follows:

YEAS—Messrs. Ashmun, Daggett, Gaillard, Hunter, Morrow, Smith, and Wells.

NAYS—Messrs. Barbour, Brown, Campbell, Chace, Condit, Fromentin, Goldsborough, Horsey, Howell, King, Lacock, Macon, Mason of New Hampshire, Mason of Virginia, Noble, Roberts, Ruggles, Sanford, Stokes, Talbot, Tait, Thompson, Tichenor, Troup, Varnum, Williams, and Wilson.

On the question, "Shall this bill pass?" it was determined in the affirmative—yeas 27, nays 7, as follows:

YEAS—Messrs. Barbour, Brown, Campbell, Chace, Condit, Fromentin, Goldsborough, Horsey, King, Lacock, Macon, Mason of New Hampshire, Mason of Virginia, Morrow, Noble, Roberts, Ruggles, Sanford, Stokes, Talbot, Tait, Thompson, Tichenor, Troup, Varnum, Williams, and Wilson.

NAYS—Messrs. Ashmun, Daggett, Gaillard, Howell, Hunter, Smith, and Wells.

So it was *Resolved*, That this bill do pass.

The Senate resumed, as in Committee of the Whole, the consideration of the bill making an appropriation to enable the President of the United States to hold treaties with the Indian tribes for the purpose therein mentioned, and no amendment having been proposed, the PRESIDENT reported the bill to the House; and it was ordered to be engrossed, and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of John Haslet, and no amendment having been agreed to, the PRESIDENT reported the bill to the House; and it was ordered to be engrossed, and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to provide for the punishment of crimes and offences committed within the Indian boundaries, and no amendment having been agreed to, the PRESIDENT reported the bill to the House; and it was ordered to be engrossed, and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill providing for the division of certain quarter sections in future sales of the public lands; and no amendment having been agreed to, the PRESIDENT reported the bill to the House; and it was ordered to be engrossed, and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill establishing the salaries of the messengers in the Executive

Departments; and the further consideration thereof was postponed until Wednesday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to explain the act to 'authorize certain officers and other persons to administer oaths,' approved May 3, 1798," together with the amendments reported thereto by the Committee on the Judiciary; and the amendments having been agreed to, the PRESIDENT reported the bill to the House accordingly; and on the question, "Shall the amendments be engrossed, and the bill read a third time as amended?" it was determined in the affirmative.

MASSACHUSETTS PEACE SOCIETY.

Mr. VARNUM presented the memorial of the members of the Peace Society of Massachusetts, representing their views of the methods "which may diminish the frequency or circumscribe the calamities of war," and "may express the most noble of all ambitions, that of promoting peace on earth, and good will to man," and soliciting the attention of Congress; and the memorial was read. It is as follows:

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled.

The memorial of the members of the Peace Society of Massachusetts, respectfully represents:

That the society which now solicits the attention of our national rulers, was instituted for the single purpose of diffusing pacific and benevolent sentiments through this country, and through the world. Impressed with a deep and sorrowful conviction that the spirit of Christianity, which is a spirit of mercy, peace, and kind affection, is imperfectly understood; afflicted by the accumulated miseries and extensive desolations which war has lately spread over the fairest, most fruitful, and most enlightened regions of the earth; and at the same time encouraged by many decisive proofs of the revival of purer and more benevolent principles among Christian nations, your memorialists have formed this association with the solemn and deliberate purpose of co-operating with the philanthropists of every country, in promoting the cause of peace and charity; in stripping war of its false glory, and in uniting different communities in the bonds of amity and mutual good will. We are sensible that, from the nature of our object, it is chiefly to be accomplished by a silent and gradual influence on the minds of men, and accordingly we have limited our operations to the circulation of useful treatises, in which the pacific spirit of our religion has been exhibited with clearness, and we hope with success. We believe, however, that the present moment demands a departure from our usual course, and we cherish the hope, that by an application to the Government under which we live, important service may be rendered to the cause of humanity, in which we are engaged.

The present memorial is founded on two occurrences, which we hail as auspicious to the pacification of the world. The first occurrence to which we refer is, the well known and unprecedented union of several of the most illustrious Powers of Europe, in declaring before "the Universe their unwavering determination to adopt, for the only rule of their conduct both in the Administration of their respective States, and in their political relations with every other Government, the precepts of christianity, the precepts of justice, of charity, and of peace.

The second occurrence to which we refer, is the decided expression of pacific sentiments and anticipations in the conclusion of the late Message of the President of the United States, in which his parting wishes for his country are expressed with tenderness and power. In this remarkable passage, worthy of the Chief Magistrate of a Christian community, he expresses his conviction that "the destined career of his country will exhibit a Government, which, whilst it refines its domestic code from every ingredient not congenial with the precepts of an enlightened age, and the sentiments of a virtuous people, seeks by appeals to reason, and by its liberal examples, to infuse into the law which governs the civilized world, a spirit which may diminish the frequency, or circumscribe the calamities of war, and meliorate the social and beneficent relations of peace; a Government, in a word, whose conduct, within and without, may bespeak the most noble of all ambitions, that of promoting peace on earth, and good will to man."

First—We respectfully solicit, if it be consistent with the principles of the Constitution, that the solemn profession of pacific principles, lately made by several distinguished sovereigns of Europe, may be met by corresponding professions on the part of our own Government. Whilst we are sensible that a melancholy discordance has often existed between the language and the conduct of rulers, we still believe that the solemn assertion of great and important principles, by men of distinguished rank and influence, has a beneficial operation on society, by giving to these principles an increased authority over the consciences of those by whom they are professed; by reviving and diffusing a reverence for them in the community, and by thus exalting the standard of public opinion, that invisible sovereign, to whose power the most absolute prince is often compelled to bow, and to which the measures of a free Government are entirely subjected. When we consider the support which is now derived to war, from the perversion of public sentiment, we are desirous that our Government should unite with the Governments of Europe in a distinct and religous acknowledgment of those principles of peace and charity, on which the prosperity of States, and the happiness of families and individuals, are alike suspended.

Secondly—We respectfully solicit that Congress will institute a deliberate inquiry, for the purpose of ascertaining the methods by which this Government may exert, on human affairs, that happy influence which is anticipated by the President of the United States; the methods by which it "may infuse into the law which governs the civilized world, a pacific spirit, may diminish the frequency, or circumscribe the calamities of war, and may express the most noble of all ambitions, that of promoting peace on earth, and good will to man." We are persuaded that a Government, sincerely disposed to sustain the august and sublime character which is here described, of the pacificator of the world, will not want means of promoting its end. We trust, that under the persevering and well directed efforts of such a Government, milder principles would be introduced into the conduct of national hostilities; that the reference of national controversies to an impartial umpire, would gradually be established as the law of the Christian world; and that national compacts would be formed for the express purpose of reducing the enormous and ruinous extent of military

establishments, and of abolishing that outward splendor which has so long been thrown around war, and which has contributed so largely to corrupt the moral sentiments of mankind.

When we represent to ourselves a Christian Government sustaining this beneficent relation to the world; recommending peaceful methods of deciding the jarring claims of nations; laboring to strip war of its pernicious glare, and to diminish the number of those who are interested in its support; diffusing new and generous sentiments in regard to the mutual duties and obligations of different communities; and inculcating, by its own example, a frank and benevolent policy, and a sincere regard to the interests of the world; when we represent to ourselves such a Government, we want language to express our conceptions of the happy and magnificent results of its operations. It would form a new and illustrious era in human affairs, whilst, by the blessings which it would spread, and by the honor and confidence which it would enjoy, it would obtain a moral empire, more enviable than the widest dominion ever founded on violence and crime.

Loving our country with tenderness and zeal; accustomed to regard her as destined to an exalted rank, and to great purposes; and desirous to behold, in her institutions and policy, increasing claims to our reverence and affection, we are solicitous that she should enter first on the career of glory which has now been described, and that all her connexion with foreign States should be employed to diffuse the spirit of philanthropy, and to diminish the occasions and miseries of war. Of such a country, we shall exult to be the children, and we pledge to it an attachment, veneration, and support, which can only be accorded to a virtuous community.

It is our happiness that we live in an age when many noble schemes of benevolence have been accomplished; when the idea of a great amelioration of human affairs is no longer rejected as a dream of fancy; when statesmen are beginning to learn that all nations have a common interest; when philanthropy is extending its views to distant countries, and is executing purposes which would once have been regarded as the offspring of a blind and extravagant zeal. In this age of enlarged views, of generous excitement, of unparalleled activity for the good of mankind, it is hoped that the idea of a nation, espousing the cause of peace and humanity, will not be dismissed as visionary and impracticable. Enlightened and benevolent statesmen will discern that we do not live in ordinary times, but that a new and powerful impulse has been given to the human mind, which, under judicious influences, may issue in great and permanent improvements of the social state.

In presenting this memorial, we solemnly declare, in the presence of God, that we have no private or narrow views. On this subject we belong to no sect, no party. As lovers of our country, as friends of mankind, as disciples of Jesus Christ, with the spirit of peace in our breasts, and with a deep impression of the miseries of war, we are only solicitous to prevent the effusion of human blood by human hands, and to recall men to the conviction that they are brethren. We trust that the warmth with which we have spoken, will not be construed into a want of deference towards our rulers. On such a subject coldness would be a crime. Our convictions are deep, and no language but that of zeal and earnestness would do them justice.

We hope that we are addressing rulers who are sensible to the responsibility imposed by the possession of power; who regard the influence which is granted them on human affairs as a solemn trust; who consider themselves as belonging to their country and to mankind, and who desire to treasure up for themselves consolations in that hour when human applause will be an unavailing sound, and when no recollection will be so dear as that of having aided, with a disinterested zeal, the cause of peace and humanity.

By order of said Society:

WILLIAM PHILLIPS,
President.

The Senate adjourned to Monday.

MONDAY, February 3.

Mr. SANFORD presented two memorials of sundry merchants of the city of New York, praying certain commercial regulations and restrictions, with such aid and protection as will guard the mercantile and manufacturing interests of the nation from becoming victims to that foreign policy and influence which will produce their destruction; and the memorials were read, and referred to the Committee of Commerce and Manufactures, to consider and report thereon by bill or otherwise.

Mr. ROBERTS presented the petition of the Pennsylvania Society for promoting the abolition of slavery, the relief of free negroes unlawfully held in bondage, and for improving the condition of the African race; and the petition was read, and referred to the committee on so much of the Message of the President of the United States as relates to the slave trade, to consider and report thereon, by bill or otherwise.

Mr. MASON, of Virginia, from the Committee on the District of Columbia, to whom the subject was referred, reported a bill to incorporate the members of the Columbian Institute; and the bill was read, and passed to the second reading.

Mr. ROBERTS, from the Committee of Claims, to whom was recommitted the bill, entitled "An act to amend the act 'authorizing the payment for property lost, captured, or destroyed by the enemy, while in the military service of the United States, and for other purposes,' passed the 9th of April, 1816," together with the amendments reported thereto, reported the said bill with amendments; which were read.

The Senate resumed the consideration of the report of the Committee of Claims on the petition in behalf of the representatives of Francis Cazeau; and the further consideration thereof was postponed until Monday next.

On motion, by Mr. CAMPBELL, the resolution for the appointment of an Assistant Doorkeeper to the Senate was postponed until the 4th day of March next.

The bill making provision for subsisting the Army of the United States, by authorizing the appointment of commissaries of subsistence, was read the second time.

The bill, entitled "An act for the relief of Henry Malcolm," was read a third time, and passed.

The bill to provide for reports of decisions of

the Supreme Court, was read the second time, and referred to the Committee on the Judiciary, to consider and report thereon.

The bill, entitled "An act to amend an act, entitled 'An act authorizing the payment of a sum of money to Joseph Stewart and others,'" was read a third time, and passed.

The amendments to the bill, entitled "An act to explain the act 'to authorize certain officers and other persons to administer oaths,' approved May 3d, 1798," having been reported by the committee correctly engrossed, the bill was read a third time as amended.

Resolved, That this bill pass with amendments.

The title was amended by striking out of the first line thereof, "explain," and inserting, in lieu thereof, "extend the provisions of."

The bill directing the discharge of William Smith from imprisonment, was read a third time, and passed.

The bill making an appropriation to enable the President of the United States to hold treaties with the Indian tribes, for the purpose therein mentioned, was read a third time, and the blank filled with "50,000."

On the question, "Shall this bill pass?" it was determined in the affirmative—yeas 24, nays 10, as follows:

YEAS—Messrs. Ashmun, Barbour, Campbell, Condit, Gaillard, Hardin, King, Lacock, Macon, Mason of New Hampshire, Morrow, Noble, Roberts, Ruggles, Sanford, Smith, Stokes, Tait, Talbot, Taylor, Tichenor, Troup, Varnum, and Williams.

NAYS—Messrs. Brown, Chace, Daggett, Fromentin, Goldsborough, Horsey, Mason of Virginia, Thompson, Wells, and Wilson.

So it was *Resolved*, That this bill pass, and that the title thereof be, "An act making an appropriation to enable the President of the United States to hold treaties with the Indian tribes, for the purpose therein mentioned."

Mr. ROBERTS, from the Committee of Claims, to whom the subject was referred, reported a bill for the relief of Jacint Laval; and the bill was read, and passed to a second reading.

The bill for the relief of John Haslet was read a third time, and passed.

The bill to provide for the punishment of crimes and offences committed within the Indian boundaries, having been reported correctly engrossed, on motion, by Mr. CHACE, the further consideration thereof was postponed until Thursday next.

The bill providing for the division of certain quarter sections in future sales of the public lands, was read a third time and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill authorizing the appointment of hospital surgeons and surgeons' mates in the Navy of the United States; and no amendment having been agreed to, the PRESIDENT reported the bill to the House, and it was ordered to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill in addition to an act for the relief of John T. Ross, and Daniel T. Patterson, and the officers and men lately under their command; and no amendment having been agreed to, the PRESIDENT reported the bill to the House, and it was ordered to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to repeal the second section of an act, entitled "An act concerning the pay of officers, seamen, and marines in the Navy of the United States," and no amendment having been agreed to, the PRESIDENT reported the bill to the House, and it was ordered to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the resolution for furnishing each member of Congress with a copy of the laws of the United States, passed during a preceding session; and on motion by Mr. WILSON, it was referred to a select committee, to consider and report thereon; and Messrs. FROMENTIN, WILSON, and LACOCK, were appointed the committee.

The Senate resumed, as in Committee of the Whole, the consideration of the bill making appropriations for the payment of certain claims for militia services, to the State of Georgia; and no amendment having been agreed to, the PRESIDENT reported the bill to the House, and it was ordered to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to appoint additional pension agents; and the bill having been amended, the PRESIDENT reported it to the House accordingly, and it was ordered to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill respecting persons escaping from the service of their masters; and, on motion by Mr. MACON, the further consideration thereof was postponed to, and made the order of the day for, Wednesday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to amend and explain "An act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States;" and no amendment having been agreed to, the PRESIDENT reported the bill to the House, and it was ordered to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of the widow and children of Arnold Henry Dohrman, deceased; and no amendment having been agreed to, the PRESIDENT reported the bill to the House; and it was ordered to be engrossed and read a third time.

Mr. CAMPBELL submitted the following motion for consideration:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of establishing a new district, for surveying public lands, south of the State of Tennessee.

The Senate resumed, as in Committee of the Whole, the consideration of the bill respecting

the transportation of persons of color for sale, or to be held to labor; and on motion by Mr. HORSEY, the further consideration thereof was postponed until Wednesday next.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

The Government of Great Britain, induced by the posture of the relations with the United States which succeeded the conclusion of the recent commercial convention, issued an order on the 17th day of August, 1815, discontinuing the discriminating duties payable in British ports on American vessels and their cargoes. It was not until the 22d of December, following, that a corresponding discontinuance of discriminating duties on British vessels and their cargoes, in American ports, took effect, under the authority vested in the Executive by the act of March, 1816. During the period between those two dates there was, consequently, a failure of reciprocity or equality in the existing regulations of the two countries. I recommend to the consideration of Congress, the expediency of paying to the British Government the amount of duties remitted, during the period in question, to citizens of the United States; subject to a deduction of the amount of whatever discriminating duties may have commenced in British ports, after the signature of that convention, and been collected previous to the 17th of August, 1815.

JAMES MADISON.

FEBRUARY 3, 1817.

The Message was read.

The following Message was also received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

The Envoy Extraordinary and Minister Plenipotentiary of His Most Christian Majesty, having renewed, under special instructions from his Government, the claim of the representative of Baron de Beaumarchais, for one million of livres, which were debited to him in the settlement of his accounts with the United States, I lay before Congress copies of the memoir on that subject, addressed by the said Envoy to the Secretary of State.

Considering that the sum of which the million of livres in question made a part, was a gratuitous grant from the French Government to the United States, and the declaration of that Government, that that part of the grant was put into the hands of M. de Beaumarchais as its agent, not as the agent of the United States, and was duly accounted for by him to the French Government; considering, also, the concurring opinions of two Attorneys General of the United States, that the said debit was not legally sustainable in behalf of the United States, I recommend the case to the favorable attention of the Legislature, whose authority alone can finally decide on it.

JAMES MADISON.

JANUARY 31, 1817.

The Message and accompanying memoir were read.

TUESDAY, February 4.

Mr. BROWN presented the petition of Simon Sarazin, and J. B. Aubert, praying compensation for the forcible occupation and destruction of four houses in the town of Baton Rouge, by the officer commanding the United States troops, in the year 1811; and the petition was read, and referred to the Committee of Claims, to consider and report thereon by bill or otherwise.

Mr. TAIT, from the committee to whom was recommitted the bill to establish a separate Territorial government for the eastern part of the Mississippi Territory, reported the same with an amendment; which was read.

Mr. BARBOUR, from the Committee on Foreign Relations, to whom was referred the bill, entitled "An act more effectually to preserve the neutral relations of the United States," reported it with amendments; which were read.

Mr. TICHENOR submitted the following motions for consideration:

Resolved, That the Military Committee be instructed to inquire into the expediency of repealing or modifying so much of the second section of the act establishing the military staff, as relates to hospital surgeons and hospital surgeons' mates.

Resolved, That the Military Committee be instructed to inquire into the expediency of a reform in the provisions of the laws respecting the allowance and pay of private servants to the military and staff officers of the Army, in order to place them on a more economical establishment.

The bill for the relief of Jacint Laval was read a second time.

The Senate resumed the consideration of the motion of the 3d instant, for instructing the Committee on Public Lands to inquire into the expediency of establishing a new district for surveying public lands south of the State of Tennessee; and agreed thereto.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, granting a pension to Commodore Richard Taylor, and the bill having been amended, the PRESIDENT reported it to the House accordingly; and it was ordered to be engrossed, and read a third time.

The bill, entitled "An act in addition to 'an act for the relief of George T. Ross and Daniel T. Patterson, and the officers and men lately under their command,'" having been reported by the committee correctly engrossed, was read a third time, and amended by unanimous consent.

Resolved, That this bill pass, and that the title thereof be, "An act in addition to 'an act for the relief of George T. Ross and Daniel T. Patterson, and the officers and men lately under their command."

The bill authorizing the appointment of hospital surgeons and hospital surgeons' mates, in the Navy of the United States, having been reported by the committee correctly engrossed; on motion, by Mr. DAGGETT, it was recommitted to the Committee on Naval Affairs, further to consider and report thereon.

A message from the House of Representatives informed the Senate that they have passed a bill, entitled "An act concerning the navigation of the United States;" in which bill they request the concurrence of the Senate.

Mr. ROBERTS gave notice that to-morrow he

should ask leave to bring in a bill authorizing a subscription for an additional volume of the laws of the United States, and for the distribution thereof.

The bill to repeal the second section of an act, entitled "An act concerning the pay of officers, seamen, and marines, in the Navy of the United States," was read a third time, and passed.

The bill making appropriations for the payment of certain claims for militia services to the State of Georgia, was read a third time, and passed.

The bill to appoint additional pension agents; the bill to amend and explain an act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States; and the bill for the relief of the widow and children of Arnold Henry Dohrman, deceased, were severally reported by the committee correctly engrossed.

WEDNESDAY, February 5.

The bill brought up yesterday for concurrence was read the first and second time by unanimous consent, and referred to the Committee on Foreign Relations, to consider and report thereon.

Mr. WILLIAMS, from the committee appointed to consider the subject, reported a bill to provide for the purchase and distribution of the laws of the United States; and the bill was read, and passed to the second reading.

The Senate resumed the consideration of the motions for instructing the Military Committee to inquire into the expediency of repealing or modifying so much of the second section of the act establishing the military staff as relates to hospital surgeons and surgeons' mates, and of a reform in the provisions of the laws respecting the allowance and pay of private servants to the military and staff officers of the army, in order to place them on a more economical establishment; and agreed thereto.

The bill to incorporate the members of the Columbian Institute was read the second time.

The engrossed bill to appoint additional pension agents was read a third time, and passed.

The engrossed bill to amend and explain an act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States, was read a third time, and passed.

The engrossed bill for the relief of the widow and children of Arnold Henry Dohrman, deceased, was read a third time, and the blanks were filled, first, with three hundred; second, with one hundred.

Resolved, That this bill pass, and that the title thereof be, "An act for the relief of the widow and children of Arnold Henry Dohrman, deceased."

The bill granting a pension to Commodore Richard Taylor, was read a third time, and passed.

Agreeably to special order the Senate resumed, as in Committee of the Whole, the consideration of the bill respecting persons escaping from the service of their masters; and, on motion by Mr. SMITH, the consideration thereof was further postponed to, and made the order of the day for, to-morrow.

The Senate resumed, as in Committee of the Whole, the consideration of the bill directing the discharge of Lewis Olmsted from imprisonment; and no amendment having been agreed to, the PRESIDENT reported the bill to the House, and it was engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill making provision for subsisting the Army of the United States, by authorizing the appointment of commissaries of subsistence; and, on motion by Mr. HARDIN, the further consideration thereof was postponed until to-morrow.

Agreeably to notice, Mr. ROBERTS asked and obtained leave to bring in a bill authorizing a subscription for an additional volume of the Laws of the United States, and for the distribution thereof; and the bill was read, and passed to the second reading.

PETITION OF SARAH DEWEES.

Mr. ROBERTS, from the Committee of Claims, to whom was referred the petition of Sarah Dewees, made a report, which was read; when Mr. R. reported a bill for the relief of Sarah Dewees; and the bill was read, and passed to the second reading. The report is as follows:

That they find it to be the object of the petitioner to obtain indemnity for buildings, the property of her late husband, destroyed by the public enemy while occupied, under the authority of the Quartermaster General of the United States, as a place of regular military deposite at the Valley Forge, in the year 1777.

The petitioner refers to a report of a select committee, made to the House of Representatives on the 11th of February, 1794, on the petition of her late husband, Colonel William Dewees. That report sets forth 'that the facts alleged in the said petition are satisfactorily established; that it appears the property was taken for public use, contrary to the wishes and remonstrances of the petitioner; that the chief part of his buildings were occupied as a deposite for military stores, where a part continued until the approach of the enemy; that, on the arrival of the enemy, he consumed the stores with the building; that the destruction of the said property is to be ascribed wholly to the circumstance of the military stores being there deposited, as none of the buildings in the vicinity suffered in like manner; and that the claim of the petitioner is not barred by any act of limitation, having been exhibited at the Treasury within the period limited by those acts."

The above-cited report concludes with a resolution to bring in a bill for the relief of the petitioner. The Committee of the Whole appear to have reported the resolution negatived, which report was rejected by the House.

From that time until the death of Colonel Dewees, embarrassed circumstances, consequent on the loss of his property and great infirmity of body, prevented him from prosecuting his claim. In 1811, the petitioner petitioned Congress. Her vouchers were then on the files of the House of Representatives; but which now appear to have been destroyed in the conflagration of

1814. Copies of these vouchers, which the committee have no doubt are genuine, together with evidence recently obtained of the most respectable character, accompany the petition.

The petitioner represents her case as coming entirely within the scope of an act passed at the last session of Congress, authorizing the payment for buildings destroyed by the enemy while occupied as a military deposite. The force of this suggestion the committee are compelled to admit in all its extent.

The committee believe the destruction of Colonel Dewees's buildings was clearly sanctioned by the usages of civilized warfare, and that the obligation on the Government to make compensation for the loss of property thus taken for public use is unequivocal. In the lapse of time for which indemnity has been withheld, the committee see nothing to weaken this obligation. The facts were established to the satisfaction of the House of Representatives as early as 1794. From a diligent examination of the records of the House of Representatives, the committee are induced confidently to believe no claim similar in character has ever been made on the justice of Congress since the establishment of the present Government.

They therefore respectfully recommend the payment of the claim of Sarah Dewees, and report a bill making the necessary appropriation.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to amend the act 'authorizing the payment for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes,' passed the ninth of April, 1816," together with the amendments reported thereto by the Committee of Claims, and Mr. VARNUM was requested to take the Chair; and the bill having been amended, the PRESIDENT resumed the Chair, and it was reported to the House accordingly; and the amendments having been concurred in, on motion, the Senate adjourned.

THURSDAY, February 6.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition in behalf of the representatives of Francis Cazeau, and having agreed thereto, on motion of Mr. GOLDSBOROUGH, it was recommitted to the said committee, to report a bill accordingly.

The bill for the relief of Sarah Dewees was read the second time.

The bill authorizing a subscription for an additional volume of the laws of the United States, and for the distribution thereof, was read the second time.

The bill to provide for the purchase and distribution of the laws of the United States, was read the second time.

The engrossed bill to provide for the punishment of crimes and offences, committed within the Indian boundaries, having been read a third time; on motion, by Mr. DAGGETT, it was recommitted to the Committee on the Judiciary, further to consider and report thereon.

The bill directing the discharge of Lewis Olmsted from imprisonment, was read a third time, and passed.

Agreeably to special order, the Senate resumed, as in Committee of the Whole, the consideration of the bill respecting persons escaping from the service of their masters.

Mr. SMITH having proposed sundry amendments thereto, on motion, by Mr. TALBOT, the further consideration thereof was postponed to, and made the order of the day for, Monday next, and the amendments were ordered to be printed for the use of the Senate.

The Senate resumed the consideration of the bill entitled, "An act to amend the act authorizing the payment for property lost, captured, or destroyed by the enemy, while in the military service of the United States, and for other purposes,' passed the ninth of April, 1816," as amended; and the bill having been further amended, and a further amendment being proposed by Mr. TALBOT, on motion, the Senate adjourned.

FRIDAY, February 7.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

On comparing the 4th section of the act of Congress, passed March 31, 1814, providing for the indemnification of certain claimants of public lands in the Mississippi Territory, with the article of agreement and cession between the United States and State of Georgia, bearing date April 30, 1802, it appears that the engagement entered into with the claimants interferes with the rights and interests secured to that State. I recommend to Congress that provision be made, by law, for payments to the State of Georgia equal to the amount of Mississippi stock which shall be paid into the Treasury, until the stipulated sum of $1,350,000 shall be completed.

JAMES MADISON.

FEBRUARY 6, 1817.

The Message was read, and referred to the Committee on the Public Lands, to consider and report thereon by bill or otherwise.

The following Message was also received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

I transmit to the Senate a report of the Secretary of State, complying with their resolution of the 28th of last month.

JAMES MADISON.

FEBRUARY 7, 1817.

The Message and report therein mentioned were read.

The PRESIDENT communicated a report of the Commissioners of the Sinking Fund, stating that the measures which have been authorized by the Board subsequent to their last report, of the 7th of February, 1816, so far as the same have been completed, are fully detailed in the report of the Secretary of the Treasury to the Board, dated the 6th day of the present month, and in the statements therein referred to, which are herewith

transmitted and prayed to be received as part of this report; and the report was read.

Mr. GOLDSBOROUGH, from the Committee of Claims, pursuant to instruction, reported a bill for the benefit of the legal representatives of Francis Cazeau, late merchant of Montreal; and the bill was read, and passed to the second reading.

Mr. MASON, of New Hampshire, presented the memorial of the ship owners, and others interested in foreign commerce, in the town of Portsmouth, and State of New Hampshire, representing that, in consequence of the measures adopted by foreign nations for the promotion of their own navigation, the ship owners of the United States are deprived of an equal and fair participation in the carrying and West India trade; that although the amount of tonnage has greatly increased since the year 1806, yet the employment of it has declined in a degree highly alarming to all who, like themselves, depend on navigation for their support and prosperity; and praying the adoption of such regulations as may relieve the navigation of the United States from its present embarassment; and the memorial was read, and referred to the Committee on Foreign Relations, to consider and report thereon by bill or otherwise, and ordered to be printed for the the use of the Senate.

Mr. RUGGLES presented the petition of James Reed and others, praying the right of pre-emption to a certain tract of land, on which they have erected certain improvements, as stated in the petition; which was read, and referred to the Committee on the Public Lands, to consider and report thereon by bill or otherwise.

Mr. RUGGLES offered instructions from the Legislature of the State of Ohio to their Senators, to use their influence to procure the passage of a law of Congress giving the inhabitants on the United States' reservation, at Lower Sandusky, the pre-emption right to such part or portion of said reservation as will secure to said inhabitants their improvements, upon such terms and conditions as may appear reasonable and just; and moved that they be received and read, which was determined in the negative. Whereupon,

Mr. WILSON submitted the following motion for consideration:

Resolved, That the Senate deem it inexpedient that instructions from a State Legislature, to the Senators from such State, should be received and filed in the Senate.

On motion, by Mr. DAGGETT, the committee appointed to inquire into the expediency of repealing or modifying the law entitled, "An act to change the mode of compensation to the members of the Senate and House of Representatives, and delegates from Territories," were discharged from the further consideration thereof.

Mr. HARDIN submitted the following motion for consideration:

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of granting pensions to the infant children of Captain James Logan, the Shawnee chief, who fell in the service of the United States, in the late war with Great Britain, with leave to report by bill or otherwise.

Mr. MORROW, from the Committee on the Public Lands, to whom the subject was referred, reported a bill making reservation of certain public lands to supply timber for naval purposes; and the bill was read, and passed to the second reading.

The Senate resumed the consideration of the bill, entitled "An act to amend the act authorizing the payment for property lost, captured, or destroyed by the enemy, while in the military service of the United States, passed the 9th of April, 1816;" and the bill having been further amended,

On motion, by Mr. DAGGETT, to strike out the first section of the bill, it was determined in the negative—yeas 16, nays 17, as follows:

YEAS—Messrs. Ashmun, Barbour, Brown, Daggett, Fromentin, Goldsborough, Hanson, Hardin, Horsey, Hunter, Mason of Virginia, Noble, Ruggles, Talbot, Tichenor, and Williams.

NAYS—Messrs. Campbell, Condit, Gaillard, Howell, Lacock, Macon, Mason of New Hampshire, Morrow, Roberts, Sanford, Smith, Tait, Taylor, Thompson, Troup, Varnum, and Wilson.

The bill having been further amended by adding thereto a new section, on the question, "Shall the amendments be engrossed, and the bill read a third time?" it was determined in the affirmative.

A message from the House of Representatives informed the Senate that they have passed a bill, entitled "An act concerning the Naval Establishment;" in which bill they request the concurrence of the Senate.

The bill last mentioned was read twice, by unanimous consent, and referred to the Committee on Naval Affairs, to consider and report thereon.

The Senate resumed, as in Committee of the Whole, the consideration of the bill making provision for subsisting the Army of the United States, by authorizing the appointment of commissaries of subsistence; and on motion, by Mr. WILLIAMS, the further consideration thereof was postponed until Monday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill establishing the salaries of the messengers in the Executive Departments; and on motion, by Mr. VARNUM, the further consideration thereof was postponed until the fourth day of March next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act more effectually to preserve the neutral relations of the United States," together with the amendments reported thereto by the Committee of Foreign Relations; and on motion, by Mr. MASON, of New Hampshire, the further consideration thereof was postponed until Monday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Jacint Laval; and, no amendment having been agreed to, the PRESIDENT reported the bill to the House, and it was ordered to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to incorpo-

rate the members of the Columbian Institute; and on motion, by Mr. MASON, of Virginia, the further consideration thereof was postponed until Thursday next.

Mr. KING presented the petition of Joseph E. Boyd, of Portland, in the District of Maine, praying to be allowed the sum of $1,374 35 in the settlement of his account, for reasons stated in the petition; which was read, and referred to the Committee of Claims, to consider and report thereon by bill or otherwise.

MONDAY, February 10.

The credentials of JOHN WILLIAMS, appointed a Senator by the Executive of the State of Tennessee, to hold said appointment from the 4th day of March next, until the meeting of the next session of the General Assembly of that State, were presented; and the credentials were read, and laid on file.

Mr. ASHMUN presented the petition of Samuel Upton and Thomas Adams, praying to be discharged from the payment of certain bonds given for duties on the goods found in the stores at Castine, in the State of Massachusetts, upon the reoccupation of that place by the United States, under the Treaty of Peace, as stated in the petition; which was read, and referred to the Committee on Finance, to consider and report thereon by bill or otherwise.

Mr. FROMENTIN presented the petition of Edward Shubrick and others, officers of the late United States brig Chippewa, stating that, in consequence of the loss of said brig, they had been deprived of their clothing and personal property, and praying remuneration therefor; and the petition was read, and referred to the Committee on Naval Affairs, to consider and report thereon by bill or otherwise.

Mr. BARBOUR, from the Committee of Foreign Relations, to whom was referred the bill, entitled "An act concerning the navigation of the United States," reported it with amendments, which were read.

On motion, by Mr. MACON,

Resolved, That a committee be appointed, to join such committee as may be appointed by the House of Representatives, to ascertain and report a mode of examining the votes for President and Vice President of the United States, and of notifying the persons elected of their election.

Messrs. MACON and TAIT were appointed the committee on the part of the Senate.

Mr. TICHENOR presented the petition of James D. Follett, of Burlington, in the State of Vermont, praying the remission of a fine incurred under the act laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise, as stated in the petition; which was read, and referred to the Committee of Claims, to consider and report thereon by bill or otherwise.

Mr. HUNTER presented the memorial of Francis Henderson and family, heirs and representatives of John Laurens, deceased, a Lieutenant Colonel in the Army of the United States, and some time commissioned by Congress special Minister to the Court of France, praying the allowance of a certain claim exhibited in the memorial, with provision for the discharge thereof; and the memorial was read, and referred to the Committee of Claims, to consider and report thereon by bill or otherwise.

Mr. MORROW, from the Committee on the Public Lands, to whom the subject was referred, reported a bill to set apart and dispose of certain public lands for the encouragement of the cultivation of the vine and other exotic plants thereon; and the bill was read, and passed to the second reading.

Mr. MORROW, from the same committee, also reported a bill to authorize the appointment of a surveyor for the lands in the northern part of the Mississippi Territory, and the sale of certain lands therein described; and the bill was read, and passed to the second reading.

Mr. ROBERTS, from the Committee of Claims, to whom was referred the petition of Joseph W. Page, made a report, together with the following resolution:

Resolved, That the petitioner have leave to withdraw his petition.

The report and resolution were read.

The amendments to the bill, entitled "An act to amend the act 'authorizing the payment for property lost, captured, or destroyed by the enemy, while in the military service of the United States, and for other purposes,' passed the 9th of April, 1816," having been reported by the committee correctly engrossed, on motion, by Mr. BARBOUR, the further consideration of the bill was postponed until to-morrow.

The bill for the relief of Jacint Laval was read a third time, and passed.

Mr. TAIT, from the Committee on Naval Affairs, to whom was recommitted the bill authorizing the appointment of hospital surgeons and hospital surgeons' mates in the Navy of the United States, reported it with an amendment, which was read.

Mr. CHACE, from the Committee on the Judiciary, to whom was referred the bill to provide for the reports of the decisions of the Supreme Court, reported it without amendment.

Mr. HARDIN submitted the following motion for consideration:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post office at, and a post route through, the town of Bedford, in the county of Gallatin, and State of Kentucky, with leave to report by bill or otherwise.

Mr. TAYLOR presented the petition of G. W. Johnson and others, praying compensation for certain lands, held under the original grantees from the French Court of Vincennes, as stated in the petition; which was read, and referred to the Committee on the Public Lands, to consider and report thereon by bill or otherwise.

Mr. RUGGLES submitted the following motion for consideration:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of making provision, by law, for granting the right of pre-emptions to the inhabitants settled on the reservation at Sandusky, in the State of Ohio.

Mr. TAYLOR submitted the following motion for consideration:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following post routes, viz: from Corydon, by Shoemaker's, Troy, Mount Duval, Darlington, and Evansville, to Harmony; from Corydon, by Greenville and Fredericksburg, to Salem; and from Vincennes, by Princeton and Evansville, to Hendersonville, in the State of Kentucky, and that they have leave to report by bill or otherwise.

Mr. CHACE submitted the following motion for consideration:

Resolved, That the Committee on Finance be instructed to inquire into the expediency of continuing in force, after the present session of Congress, the act passed on the third day of March, 1815, entitled "An act further to provide for the collection of duties on imports and tonnage," with leave to report by bill or otherwise.

Mr. BARBOUR submitted the following motion for consideration:

Resolved, That the Committee on Finance be instructed to inquire into the expediency of amending the law passed April 19, 1816, entitled "An act to abolish the existing duties on spirits distilled within the United States, and to lay other duties in lieu of those at present imposed on licenses to distillers of spirituous liquors," so far as to exempt the distillation of spirituous liquors exclusively made of fruit from the operation of the act aforesaid.

The Senate resumed the consideration of the motion of the 7th instant, "that the Senate deem it inexpedient that instructions from a State Legislature to the Senators from such State should be received and filed in the Senate;" and, on motion by Mr. MASON, of New Hampshire, the further consideration thereof was postponed until the fifth day of March next.

The Senate resumed the consideration of the motion of the 7th instant, for instructing the Committee on Pensions to inquire into the expediency of granting pensions to the infant children of Captain James Logan, a Shawnee chief, and agreed thereto.

The bill for the benefit of the legal representatives of Francis Cazeau, late merchant of Montreal, was read the second time.

The Senate resumed the consideration of the bill respecting persons escaping from the service of their masters, together with the amendments proposed thereto; and, on motion by Mr. SMITH, the further consideration thereof was postponed until Thursday next.

A message from the House of Representatives informed the Senate that they have passed a bill, entitled "An act for the relief of Park Holland;" also, a bill, entitled "An act to set apart and pledge as a permanent fund for internal improvement the *bonus* of the National Bank, and the United States share of its dividends:" in which bills they request the concurrence of the Senate. The two bills last mentioned were read, and severally passed to the second reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill respecting the transportation of persons of color for sale, or to be held to labor; and the bill having been amended, on motion by Mr. HARDIN, the further consideration thereof was postponed until to-morrow.

The Senate resumed, as in Committee of the Whole, the consideration of the bill making provision for subsisting the Army of the United States, by authorizing the appointment of commissioners of subsistence. And, after progress, on motion by Mr. TICHENOR, the further consideration thereof was postponed until to-morrow.

Mr. LACOCK submitted the following motion for consideration:

Resolved, That the President of the United States be requested to cause to be laid before the Senate—

1st. The number of complete rations and parts of rations issued by the commissaries of the northwestern army from the 1st of September, 1812, to the 31st of May, 1813.

2d. The number of rations and parts of rations issued by the contractors for the same period.

3d. The number of rations and parts of rations issued by the commissaries to said army from the 31st of May, 1813, to the 31st of June, 1814.

4th. The number of rations and parts of rations issued by the contractors for the same period.

5th. The amount of provisions bought by the commissaries and public agents for said army for each of the periods aforesaid, the whole expense of such purchases, with the wages paid to commissaries and agents. The expense of transportation, and all incidental expenses incurred by this mode of supplying the Army.

6th. The whole amount of money paid to the contractors for supplying the Army for each of the periods aforesaid.

7th. The whole amount of provisions turned over by the contractors on the 1st of June, 1814, to the United States, and by the United States to other contractors within that year.

8th. The amount of money advanced in the Winter of 1814 and 1815, by order of General Macomb, at Detroit, to the commissary, for the purpose of purchasing provisions, on the allegation of an anticipated failure by the contractors. The amount of money actually paid in the purchase of such provisions, with a detailed account, as far as practicable, of the price of the different articles.

9th. The amount of the last mentioned provisions delivered to the contractors, or issued to the Army, particularizing in each case.

Mr. NOBLE submitted the following motion for consideration:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of establishing a land office in the eastern part of the State of Indiana.

TUESDAY, February 11.

Mr. TROUP submitted the following motion for consideration:

Resolved, That the Committee on Commerce and Manufactures be instructed to inquire into the expediency of establishing, by law, the town of Darien, in the State of Georgia, as a port of entry.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of Joseph W. Page. Whereupon,

Resolved, That the petitioner have leave to withdraw his petition.

The Senate resumed the consideration of the motion of the 10th instant, submitted by Mr. TAYLOR, for instructing the Committee on the Post Office and Post Roads to inquire into the expediency of establishing certain post routes, and agreed thereto.

The Senate resumed the consideration of the motion of the 10th instant, for instructing the Committee on Finance to inquire into the expediency of continuing in force, after the present session of Congress, the bill, entitled "An act further to provide for the collection of duties on imports and tonnage;" and agreed thereto.

The Senate resumed the consideration of the motion of the 10th instant, for instructing the Committee on Finance to inquire into the expediency of exempting from duties the distillation of spirituous liquors exclusively made of fruit; and, on the question to agree thereto, it was determined in the negative.

Mr. MACON, from the joint committee appointed on the 10th instant to ascertain and report a mode of examining the votes for President and Vice President of the United States, and of notifying the persons elected of their election, reported in part the following resolution, which was read and agreed to:

Resolved, That the two Houses shall assemble in the Chamber of the House of Representatives on Wednesday next, at 12 o'clock; that one person be appointed a teller, on the part of the Senate, to make a list of votes as they shall be declared; that the result shall be delivered to the President of the Senate, who shall announce the state of the votes, and the persons elected to the two Houses assembled as aforesaid, which shall be deemed a declaration of the persons elected President and Vice President, and, together with a list of the votes, be entered on the Journals of the two Houses.

Ordered, That Mr. MACON be appointed teller on the part of the Senate, agreeably to the foregoing resolution.

Mr. CAMPBELL, from the Committee on Finance, who were instructed, by a resolution of the Senate, to inquire into the expediency of so altering the law imposing a duty on carriages as to exempt from its operation any carriage which is usually and chiefly employed in husbandry, or for the transportation or carrying of goods, reported the following resolution: which was read:

Resolved, That it is not expedient, at present, to alter the law imposing a duty on carriages, so as to exempt from duty any carriage which is usually and chiefly employed in husbandry, or for transportation or carriage of goods.

Mr. CAMPBELL, from the same committee, who were instructed, by a resolution of the Senate, to inquire into the expediency of repealing an act, entitled, "An act increasing the compensation allowed the Sergeant at-Arms of the Senate and House of Representatives, and of the Doorkeeper of the Senate and House of Representatives," approved March 13th, 1815, reported the following resolution, which was read:

Resolved, That it is not expedient to repeal the act, entitled, "An act increasing the compensation allowed the Sergeant-at-Arms of the Senate and House of Representatives, and of the Doorkeeper of the Senate and House of Representatives," approved 13th March, 1815.

The Senate resumed the consideration of the motion submitted the 10th instant, by Mr. HARDIN, which was modified, and agreed to as follows:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Port William, in the State of Kentucky, by Bedford to Newcastle, in the said State.

The Senate resumed the consideration of the motion submitted the 10th instant, by Mr. LACOCK, for requesting the President of the United States to cause to be laid before the Senate certain information, in relation to certain commissaries and contractors, supplying the army; and agreed thereto.

The Senate resumed the consideration of the motion of the 19th instant, for instructing the Committee on Public Lands to inquire into the expediency of establishing a land office in the eastern part of the State of Indiana; and agreed thereto.

The Senate resumed the consideration of the motion of the 10th instant, for instructing the Committee on Public Lands to inquire into the expediency of making provision by law, for granting the right of pre-emption to the inhabitants settled on the reservation at Sandusky, in the State of Ohio; and agreed thereto.

The bill making reservation of certain public lands to supply timber for naval purposes, was read the second time.

The bill entitled, "An act for the relief of Park Holland," was read the second time, and referred to the Committee of Claims, to consider and report thereon.

The bill entitled, "An act to set apart and pledge, as a permanent fund for internal improvements, the bonus of the National Bank, and the United States' share of its dividends," was read the second time, and referred to the Committee on Roads and Canals, to consider and report thereon.

On motion by Mr. LACOCK, to reconsider the vote on passing to a third reading the bill entitled, "An act to amend the act, 'authorizing the payment for property lost, captured, or destroyed by the enemy, while in the military service of the United States,' passed the 9th day of April, 1816," as amended, it was determined in the affirmative—yeas 20, nays 15, as follows:

YEAS—Messrs. Ashmun, Barbour, Brown, Chace,

Daggett, Dana, Fromentin, Goldsborough, Hanson, Hardin, Howell, Hunter, King, Noble, Ruggles, Sanford, Stokes, Talbot, Tichenor, and Williams.

NAYS—Messrs. Campbell, Condit, Gaillard, Lacock, Macon, Mason of New Hampshire, Morrow, Roberts, Smith, Tait, Taylor, Thompson, Troup, Varnum, and Wilson.

Mr. LACOCK also moved to reconsider the vote on the motion to strike out the first section of the bill; and, on motion by Mr. VARNUM, it having been agreed to take the question by yeas and nays—on motion by Mr. MASON, of New Hampshire, the further consideration of the bill was postponed until Thursday next.

A message from the House of Representatives informed the Senate that they concur in the resolution of the Senate for the appointment of a joint committee to ascertain and report a mode of examining the votes for the President and Vice President of the United States, and of notifying the persons elected of their election, and have appointed a committee on their part.

The Senate resumed, as in Committee of the Whole, the consideration of the bill respecting the transportation of persons of color for sale or to be held to labor; and, on motion by Mr. DAGGETT, the further consideration thereof was postponed until Thursday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill making provision for subsisting the Army of the United States, by authorizing the appointment of commissaries of subsistence; and, on motion by Mr. ROBERTS, the further consideration thereof was postponed until the fourth of March next.

A message from the House of Representatives informed the Senate that the House agree to the report of the joint committee appointed to ascertain and report a mode of examining the votes for President and Vice President of the United States, and of notifying the persons elected of their election, and have appointed Mr. JACKSON and Mr. PITKIN tellers on their part. And that when the members thereof appear in the Chamber of the House of Representatives to-morrow, their President will be introduced to the Chair of the House by the Speaker.

Mr. DAGGETT submitted the following motion for consideration:

Resolved, That the Committee of Pensions be instructed to inquire into the propriety of placing James Gorham, of New Haven, in Connecticut, on the pension list.

Mr. BROWN gave notice that to-morrow he should ask leave to bring in a bill authorizing vessels departing from the town of Bayou St. John, and basin of the Canal de Carondelet, to clear out of the custom-house at New Orleans.

WEDNESDAY, February 12.

Mr. ROBERTS, from the Committee of Claims, to whom was referred the petition of Samuel Brown, made a report, together with the following resolution:

Resolved, That the petitioner have leave to withdraw his petition.

The bill to authorize the appointment of a surveyor for the lands in the northern part of the Mississippi Territory, and the sale of certain lands therein described, was read the second time.

The bill to set apart and dispose of certain public lands for the encouragement of the cultivation of the vine and other exotic plants thereon, was read the second time.

ELECTORAL VOTES FOR PRESIDENT.

A message from the House of Representatives informed the Senate that the House is now ready to attend the Senate, and proceed in opening the certificates and counting the votes of the Electors of the several States for a President and Vice President of the United States, in pursuance of the resolution of the two Houses of Congress.

The two Houses of Congress, agreeably to the joint resolution, assembled in the Representatives' Chamber, and the certificates of the Electors of the several States, were, by the PRESIDENT of the Senate, opened and delivered to the tellers appointed for the purpose, who, having examined and ascertained the number of votes, presented a list thereof to the PRESIDENT of the Senate, which was read as follows:

STATES.	President.		Vice President.				
	James Monroe, of Virginia.	Rufus King, of New York.	Daniel D. Tompkins, of N. Y.	John E. Howard, of Maryland.	James Ross, of Pennsylvania.	John Marshall, of Virginia.	Robert G. Harper, of Maryl'd.
New Hampshire	8	–	8				
Massachusetts	–	22	–	22			
Rhode Island	4	–	4				
Connecticut	–	9	–	–	5	4	
Vermont	8	–	8				
New York	29	–	29				
New Jersey	8	–	8				
Pennsylvania	25	–	25				
Delaware	–	3	–	–	–	–	3
Maryland	8	–	8				
Virginia	25	–	25				
North Carolina	15	–	15				
South Carolina	11	–	11				
Georgia	8	–	8				
Kentucky	12	–	12				
Tennessee	8	–	8				
Ohio	8	–	8				
Louisiana	3	–	3				
Indiana	3	–	3				
Total	183	34	183	22	5	4	3

The whole number of votes being 217, of which 109 make a majority.

Whereupon, the President of the Senate de-

clared JAMES MONROE elected President of the United States for four years, commencing with the fourth day of March next; and DANIEL D. TOMPKINS Vice President of the United States, commencing with the fourth day of March next.

The votes of the Electors were then delivered to the Secretary of the Senate; the two Houses of Congress separated, and the Senate returned to their own Chamber.

FORTIFICATIONS, &c.

Mr. TAIT, from the Committee on Naval Affairs, submitted the following motion for consideration:

Resolved, That the President of the United States be requested to cause to be examined and surveyed the eastern entrance into Long Island Sound, the harbor of Newport, and Hampton Roads, by commissioners; and that the said commissioners report their opinions as to the practicability of defending the said Sound, Harbor, and Roads, by fortifications; and if defensible, or any of them, what would be the probable expense thereof.

That he be requested, also, to cause to be examined the coasts and waters of the United States, north of the Delaware, with a view to the selection of a proper site for a naval depot, rendezvous, and dock yard; and, it is further requested, that the said reports, opinions, and estimates be laid before the Senate in the first week of the next session of Congress.

Mr. TAIT, from the same committee, to whom was referred the bill, entitled "An act supplementary to an act, entitled 'An act concerning the Naval Establishment,'" reported it without amendment.

THURSDAY, February 13.

Mr. LACOCK presented the petition of George Thomas and others, praying for the establishment of an uniform system of bankruptcy; and the petition was read, and referred to the Committee on the Judiciary, to consider and report thereon by bill or otherwise.

Mr. LACOCK presented the petition of D. W. Boudet, stating that he has been for some time past making arrangements for establishing a museum of natural and artificial curiosities, to which he intends to devote his time and labors, and praying that the establishment may be denominated, in law, a National Museum, for reasons stated in the petition; which was read, and referred to the committee to whom was referred so much of the Message of the President of the United States as relates to a National University, to consider and report thereon by bill or otherwise.

Mr. ROBERTS, from the Committee of Claims, to whom was referred the petition of Andrew J. Villard, made a report, together with the following resolution:

Resolved, That the petitioner have leave to withdraw his petition.

The report and resolution were read.

Mr. MORROW, from the Committee on Public Lands, to whom was recommitted the bill to authorize the State of Tennessee to issue grants and perfect titles on certain entries and locations of lands therein described, reported it with amendments, which were read.

Mr. WILSON, from the Committee of Claims, to whom was referred the petition of Simon Sarazin and J. B. Aubert, of Baton Rouge, in the State of Louisiana, made a report, together with the following resolution:

Resolved, That the petitioners have leave to withdraw their papers.

Mr. CHACE presented the petition of James Green, late a captain in the United States Army, praying relief, in consideration of wounds received while in the service of his country, as stated in the petition; which was read, and referred to the Committee on Pensions, to consider and report thereon by bill or otherwise.

The Senate resumed the consideration of the motion of the 11th instant, for instructing the Committee on Commerce and Manufactures to inquire into the expediency of establishing, by law, the town of Darien, in the State of Georgia, as a port of entry, and agreed thereto.

The Senate resumed the consideration of the motion of the 11th instant, for instructing the Committee on Pensions to inquire into the propriety of placing James Gorham, of New Haven, in Connecticut, on the pension list; and agreed thereto.

The Senate resumed the consideration of the motion submitted on the 12th instant, by Mr. TAIT, from the Committee on Naval Affairs: which, having been amended, on motion by Mr. BARBOUR, was agreed to as follows:

Resolved, That the President of the United States be requested to cause to be examined and surveyed the eastern entrance into Long Island Sound, the harbor of Newport, and Hampton Roads, and of York river, by commissioners; and that the said commissioners report their opinions as to the practicability of defending the said sound, harbor, river, and roads, by fortifications: and if defensible, or any of them, what would be the probable expense thereof.

That he be requested, also, to cause to be examined the coasts and waters of the United States north of the Delaware, with a view to the selection of a proper site for a naval depot, rendezvous, and dock yard; and, it is further requested, that the said reports, opinions, and estimates, be laid before the Senate in the first week of the next session of Congress.

The Senate resumed the consideration of the report of the Committee on Finance, who were instructed by a resolution of the Senate to inquire into the expediency of repealing an act, entitled, "An act increasing the compensation allowed the Sergeant-at-Arms of the Senate and House of Representatives, and of the Doorkeeper of the Senate and House of Representatives," approved March 13th, 1815, and agreed thereto.

The Senate resumed the consideration of the report of the Committee on Finance, who were instructed by a resolution of the Senate to inquire into the expediency of so altering the law imposing a duty on carriages, as to exempt from its operation any carriage which is usually and chiefly employed in husbandry, or for the transportation or carrying of goods; and agreed thereto.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of Samuel Brown. Whereupon,

Resolved, That the petitioner have leave to withdraw his petition.

The Senate resumed the consideration of the bill, entitled, "An act to amend the act 'authorizing the payment for property lost, captured, or destroyed by the enemy, while in the military service of the United States, and for other purposes,' passed the 9th of April, 1816," as amended, and on motion by Mr. DAGGETT, the consideration thereof was further postponed to, and made the order of the day for to-morrow.

Mr. BARBOUR submitted the following motion, which was read, and considered:

Resolved, That the Journal of the Proceedings of the Senate on yesterday, so far as they are connected with the service of counting the ballots for President and Vice President of the United States, be made up in conformity to the precedents heretofore established in similar cases.

And, on the question to agree thereto, it was determined in the affirmative—yeas 20, nays 16, as follows:

YEAS—Messrs. Ashmun, Barbour, Brown, Campbell, Daggett, Gaillard, Hardin, Horsey, Howell, Hunter, King, Mason of New Hampshire, Mason of Virginia, Morrow, Roberts, Stokes, Talbot, Troup, Williams, and Wilson.

NAYS—Messrs. Chace, Condit, Dana, Fromentin, Lacock, Macon, Noble, Ruggles, Sanford, Smith, Tait, Taylor, Thompson, Tichnor, Varnum, and Wells.

NOTIFICATION OF ELECTION.

On motion by Mr. MACON,

Resolved, That the President of the United States be requested to cause to be delivered to JAMES MONROE, Esquire, of Virginia, now Secretary of State of the United States, a notification of his election to the office of President of the United States; and to be transmitted to DANIEL D. TOMPKINS, Esquire, of New York, a notification of his election to the office of Vice President of the United States; and that the President of the Senate do make out and sign a certificate in the words following, viz:

"*Be it known*, That the Senate and House of Representatives of the United States of America, being convened at the City of Washington, on the second Wednesday in February, in the year of our Lord, one thousand eight hundred and seventeen, the underwritten, President of the Senate *pro tempore*, did, in presence of the said Senate and House of Representatives, open all the certificates and count all the votes of the Electors for President and Vice President of the United States; whereupon it appeared that James Monroe, of Virginia, had a majority of the votes of the Electors as President, and Daniel D. Tompkins, of New York, had a majority of the votes of the Electors as Vice President. By all which it appears that James Monroe, of Virginia, has been duly elected President, and Daniel D. Tompkins, of New York, has been duly elected Vice President of the United States, agreeably to the Constitution.

"In witness whereof, I have hereunto set my hand, this —— day of February, one thousand eight hundred and seventeen."

And that the President of the Senate, do cause the certificate aforesaid to be laid before the President of the United States, with this resolution.

The Senate resumed, as in Committee of the Whole, the consideration of the bill respecting persons escaping from the service of their masters, together with the amendments proposed thereto; and Mr. VARNUM was requested to take the Chair. And after progress, on motion, the Senate adjourned.

FRIDAY, February 14.

Mr. FROMENTIN submitted the report of the Surveyor of the Public Buildings, and documents in relation to the Capitol and President's House; and the report and documents were read, and referred to the Committee on the District of Columbia, to consider and report thereon by bill or otherwise.

The PRESIDENT communicated the credentials of NICHOLAS VANDYKE, appointed a Senator by the Legislature of the State of Delaware, for the term of four years, commencing on the fourth day of March next; which were read, and laid on file.

The PRESIDENT also communicated a report of the Secretary of Treasury, containing a statement of lands sold in the States of Ohio and Indiana, and in the Territories of Illinois and Mississippi, from the 1st of October, 1815, to the 30th of September, 1816; showing, also, the amount of receipts from individuals, and payments made by receivers during the same time, with the balance due both on the 1st of October, 1815, and 1st of October, 1816; and the report was read.

The PRESIDENT also communicated a report of the Postmaster General, containing a list of contracts made in the year 1816; which was read.

Mr. FROMENTIN submitted the following motion:

That the Journals be so amended as to include the statement of the proceedings relating to the election of President and Vice President of the United States, on Wednesday, the 12th instant, as read by the Secretary of the Senate, on Thursday, the 13th instant, prior to the motion made by an honorable gentleman from Virginia, to amend the Journal so as to make it conformable to former precedents on a similar occasion.

On motion by Mr. DAGGETT,

Resolved, That said motion be referred to a select committee, with instructions to revise and correct the Journal of the proceedings of the Senate, of the 12th instant, so far as respects the counting the votes for President and Vice President of the United States.

Ordered, That Messrs. DANA, BARBOUR, and DAGGETT, be the committee.

Mr. SMITH presented the memorial of Wade Hampton, late a Major General in the Army of the United States, praying that provision may be made by law for his reimbursement and indem-

nification in the result of a suit instituted against him by a certain James McConnel, for false imprisonment; having been arrested and tried by a general court martial, under suspicious circumstances, by order of the memorialist, while he commanded on the line between the United States and Canada; and the memorial was read, and referred to the Committee on Military Affairs, to consider and report thereon by bill or otherwise.

Mr. ROBERTS, from the Committee of Claims, to whom was referred the petition of Denis de la Rondi, made a report, together with the following resolution:

Resolved, That the petitioner have leave to withdraw his petition.

Mr. ROBERTS, from the Committee of Claims, to whom was referred the bill entitled "An act for the relief of Park Holland," reported it without amendment.

Agreeably to notice, Mr. BROWN asked and obtained leave to bring in a bill authorizing vessels departing from the town of Bayou St. John John and basin of the Canal de Carondelet, for foreign ports, to clear out at the custom-house in the city of New Orleans; and the bill was read, and passed to the second reading.

Mr. ROBERTS presented the petition of Frederick Folley, praying indemnity for certain losses sustained by him, as stated in the petition; which was read, and referred to the Committee of Claims, to consider and report thereon by bill or otherwise.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of Andrew J. Villard. Whereupon,

Resolved, That the petitioner have leave to withdraw his petition.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of Simon Sarazin and I. B. Aubert, of Baton Rouge, in the State of Louisiana; and in conformity thereto, the petitioners had leave to withdraw their papers.

The Senate resumed the consideration of the bill, entitled "An act to amend the act, authorizing the payment for property lost, captured, or destroyed by the enemy, while in the military service of the United States, and for other purposes, passed the 9th of April, 1816," as amended; and the question recurring on the motion by Mr. LACOCK, to reconsider the vote on the motion to strike out the first section of the bill, it was determined in the affirmative—yeas 19, nays 18, as follows:

YEAS—Messrs. Ashmun, Barbour, Brown, Chace, Daggett, Dana, Fromentin, Hardin, Horsey, Howell, Hunter, King, Mason of Virginia, Noble, Ruggles, Talbot, Tichenor, Wells, and Williams.

NAYS—Messrs. Campbell, Condit, Gaillard, Hanson, Lacock, Macon, Mason of New Hampshire, Morrow, Roberts, Sanford, Smith, Stokes, Tait, Taylor, Thompson, Troup, Varnum, and Wilson.

So it was agreed to reconsider the vote on the motion to strike out the first section of the bill. Whereupon Mr. DAGGETT renewed the motion to strike out the first section of the bill; and it was determined in the affirmative—yeas 20, nays 17, as follows:

YEAS—Messrs. Ashmun, Barbour, Brown, Chace, Daggett, Dana, Fromentin, Hanson, Hardin, Horsey, Howell, Hunter, King, Mason of Virginia, Noble, Ruggles, Talbot, Tichenor, Wells, and Williams.

NAYS—Messrs. Campbell, Condit, Gaillard, Lacock, Macon, Mason of New Hampshire, Morrow, Roberts, Sanford, Smith, Stokes, Tait, Taylor, Thompson, Troup, Varnum, and Wilson.

On motion, by Mr. DAGGETT, the bill was referred to a select committee, with instructions to conform the bill to the amendment made by striking out the first section, so as to retain the amendments already made by the Senate, not inconsistent with the above instruction.

Messrs. DAGGETT, ROBERTS, and BARBOUR were appointed the committee.

ROADS AND CANALS.

Mr. LACOCK, from the committee appointed on so much of the Message of the President of the United States as relates to roads and canals, made a report in part; and the report was read; when Mr. L., from the same committee, to whom was referred the bill entitled "An act to set apart and pledge as a permanent fund for internal improvements the bonus of the United States Bank, and the United States share of its dividends," reported it without amendment.

The report is as follows:

That, on the general utility and national importance of roads and canals, little remains to be added to the stock of information now in possession of the Senate, and to be found in the several reports made on that subject. The committee, however, would observe, in addition, that the present period appears to them peculiarly propitious, and strongly invites to the commencement and prosecution of such a system of public improvement. To the pleasing prospect of peace abroad, we enjoy mutual confidence and tranquillity at home; our resources are abundant; our public revenues ample; our citizens at all times evincing a willingness to make every sacrifice for the public good, and on whom perfect reliance may be placed, more especially when the contributions required most, when obtained and judiciously applied, promote their own interest, and add, in an eminent degree, to the wealth, comfort, and safety of the nation; and it appears to your committee, that the experience dearly purchased in the late war should not be regarded with indifference. Much of the money expended in the necessary defence of the seaboard, as well as the lives of many valuable citizens, would have been saved to the nation, had a good inland water communication been made on our Atlantic frontier. The transportation of our armies, with all the munitions of war, to the most vulnerable points, would have been facilitated, and the advantages of the enemy, arising from the celerity of his movements by water, greatly diminished. Moreover, the products of the West and South, consumed in the East and North, could have been transported secure from the common hazards of a sea voyage, and in defiance of blockading squadrons; and thus the inhabitants of the United States, dispersed over a vast territory, embracing various climates, suitable to the

production of all the necessaries and many of the luxuries of life, might, even in a state of war, rely with comfort and security on their own internal resources.

To these advantages, that refer themselves more especially to a state of war, must be added those, if possible, of a more imperative character, that will at all times arise to the nation from an improved state of her roads and inland navigation.

The people of these United States are spread over an extensive territory, and that dispersion of inhabitants is keeping full pace with the increase of population; and by the people thus dispersed, of different habits and pursuits, and in many instances with discordant views, is the national sovereignty exercised, and its fundamental powers directed; for, politically speaking, there is in the United States but one order or grade known—*that of the people*: and hence arises the imperious necessity in a Government thus constituted of tying together the whole community by the strongest ligatures. This your committee believe can be best effected by the construction of roads and canals; by these means, commercial and social intercourse will be made easy; industry in all its branches encouraged, by the increased rewards bestowed on every exertion; the love of country will be awakened, and a laudable spirit of national pride substituted in place of sectional jealousies; a community of interest and feeling will produce mutual confidence and affection; thus, being one people, the nation can have but one object in view—the continuance and preservation of a Government founded in equity and justice, administered for the advantage of all, and calculated, in the calm of peace, to call forth talents and industry for the acquisition of property, and in war the surest guarantee for its security and protection.

With these general observations on the national importance of internal improvements, your committee will endeavor to lay before the Senate a general outline of such public works, embracing the United States generally, and consulting, as far as practicable, the interest of each section of the Union, and which they conceive, in a further improved state of our national industry, may be completed without embarrassment to the operations of the Treasury, or imposing additional burdens on the people.

On the subject of national roads, the first that presents itself, and of primary importance, is a turnpike from Maine to Louisiana, passing through the Seat of the National Government and the principal cities and towns on this route; secondly, roads to connect the highest navigable points on the Atlantic rivers with such points on the corresponding streams that fall into the northern and western lakes, and the Mississippi river and its branches; and, lastly, such military or other roads as may serve to connect the scattered settlements in our States or Territories with the more compact population of the interior, and thereby secure the frontier settlements, in a great measure, from hostile annoyance, and enhance the value of the public lands, by inducing a more dense population.

The other branch of this system of public improvements, and equal, if not superior, in importance, is the construction of canals, and the improvement of the navigation of our rivers.

1. An inland or shore navigation, from the harbor of Boston to the river St. Mary's, in Georgia. To connect these points, it is ascertained that not more than one hundred miles will need the aid of canals; and, from an estimate made by Mr. Gallatin, when Secretary of the Treasury, will incur an expense little exceeding $3,000,000—less, it is believed, than $200 per mile, taking the whole distance of this water communication.

2. A canal from the Hudson or North river to Lake Erie, and from that lake to some of the many navigable waters of the Ohio river, which approach within a few miles of its margin, or intermix with its navigable waters.

3. The improvement of the navigation of the Ohio river, more particularly the Falls at Louisville.

4. The improvement of the several Atlantic rivers, and the corresponding streams that empty into the Mississippi and Ohio rivers.

MONDAY, February 17.

The PRESIDENT communicated a report of the Postmaster General of the clerks employed in the General Post Office, and the amount of salaries paid them for the year 1816; and the report was read.

Mr. DAGGETT, from the committee to whom was referred the bill from the House of Representatives entitled "An act to amend the act 'authorizing the payment for property lost, captured, or destroyed by the enemy, while in the military service of the United States, and for other purposes,' passed the 9th day of April, 1816," reported the same with amendments; which were read.

Mr. MASON, of New Hampshire, submitted the following motion for consideration:

Resolved, That the Committee of Finance be instructed to inquire into the expediency of authorizing the Secretary of the Treasury, in behalf and for the use of the United States, to purchase or cause to be erected suitable buildings for custom-houses and public warehouses in such principal district in each State where the said Secretary shall deem the same necessary, for the safe and convenient collection of the revenue of the United States.

On motion, by Mr. HANSON,

"That the Committee of Finance, to whom were referred the petition of the President and Directors of the Bank of the Metropolis, the petition of the President and Directors of the Patriotic Bank of Washington, and the petition of the President and Directors and Company of the Central Bank of Georgetown and Washington, respectively, praying charters of incorporation, be discharged from the further consideration thereof, and that they be severally referred to a select committee, to consider and report thereon;

It was determined in the negative.

Whereupon, Mr. MASON, of New Hampshire, submitted the following motions for consideration:

Resolved, That the Committee of Finance be instructed to report to the Senate a bill providing for the establisbment of a bank within the City of Washington, with a capital equal to the sums which, by a certain time to be specified, shall be subscribed and actually paid. To be not less than one million, nor more than three millions of dollars. Two-thirds of which may be paid in the funded debt of the United States, and the other third in specie; and giving to the several banking associations now existing within the District of Columbia, the prior right of subscribing

for so much of said capital as shall be equal to the joint stock of such associations respectively.

Resolved, further, That the said Committee report a bill prohibiting, after a certain time, to be therein named, under suitable penalties, the making and issuing, by any unauthorized association or individual within said District, notes or bills, with intent to cause the same to be circulated and received in payment, in like manner as the notes and bills of incorporated banks usually are circulated and received in payment.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of Denis de la Rondi; and, in concurrence therewith, the petitioner had leave to withdraw his petition.

The bill authorizing vessels departing from the town of Bayou St. John and basin of the Canal de Carondelet, for foreign ports, to clear out at the custom-house in the city of New Orleans, was read the second time.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act making appropriation for the support of Government for the year 1817;" also a bill, entitled "An act relating to the ransom of American captives of the late war;" in which bills they request the concurrence of the Senate. They have passed the bill, entitled "An act authorizing the sale of certain ground belonging to the United States, in the City of Washington," with amendments; in which they request the concurrence of the Senate.

The Senate proceeded to consider the amendments of the House of Representatives to the bill last mentioned, and concurred therein.

The two bills last brought up for consideration were read, and passed to a second reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill respecting the transportation of persons of color for sale, or to be held to labor, and the bill having been amended, the PRESIDENT reported it to the House accordingly: And the amendments having been concurred in, the bill was ordered to be engrossed, and read a third time.

FUGITIVE SLAVES.

The Senate resumed, as in Committee of the Whole, the consideration of the bill respecting persons escaping from the service of their masters, together with the amendments proposed thereto. Mr. VARNUM was requested to take the Chair.

On motion, that the further consideration thereof be postponed until the fifth day of March next, it was determined in the negative—yeas 15, nays 19, as follows:

YEAS—Messrs. Barbour, Brown, Campbell, Condit, Dana, Fromentin, Gaillard, Hardin, Macon, Mason of Virginia, Smith, Talbot, Tait, Troup, and Williams.

NAYS—Messrs. Ashmun, Daggett, Goldsborough, Hanson, Horsey, Howell, Hunter, Mason of New Hampshire, Morrow, Noble, Roberts, Ruggles, Sanford, Taylor, Thompson, Tichenor, Varnum, Wells, and Wilson.

The bill having been amended, the PRESIDENT resumed the Chair, and it was reported to the House accordingly.

On the question to concur in the following amendment, made as in Committee of the Whole, to wit:

Insert a new section as follows:

And be it further enacted, That it shall and may be lawful for any constable, or any public officer, or any resident private citizen, and they or either of them are hereby authorized and empowered, to seize or arrest any such negro or negroes, mulatto or mulattoes, or other person or persons of color, and take him, her, or them, before any one of the judges or magistrates aforesaid, and upon oath being made by such constable, officer, or resident private citizen, that he hath just and reasonable grounds to believe that such negro, &c., as the case may be, hath escaped from his, her, or their owner or owners in some other of the United States or Territories, it shall then be the duty of the judge or magistrate aforesaid, and they, and each of them, are hereby required, to commit such negro or negroes, mulatto, or other person or persons of color, to the public jail of the district or county where he, she, or they shall be found and apprehended, for the space of —— months, unless the owner or owners shall in a shorter time prove a right of property thereto; and it shall be the duty of the keeper of any jail to which such fugitives shall be committed, to give public notice thereof in some public newspaper for the space of —— weeks; describing particularly the fugitive or fugitives so committed.

It was determined in the negative—yeas 15, nays 18, as follows:

YEAS—Messrs. Barbour, Fromentin, Gaillard, Goldsborough, Hardin, Macon, Mason of Virginia, Ruggles, Smith, Stokes, Tait, Talbot, Taylor, Troup, and Williams.

NAYS—Messrs. Ashmun, Brown Daggett, Horsey, Howell, Hunter, King, Lacock, Mason of New Hampshire, Morrow, Noble, Roberts, Sanford, Thompson, Tichenor, Varnum, Wells, and Wilson.

And the amendments made as in Committee of the Whole having been concurred in, in part, on the question, "Shall this bill be engrossed, and read a third time?" on motion by Mr. TALBOT, it was agreed to take the question by yeas and nays.

On motion by Mr. SMITH, the further consideration of the bill was postponed until to-morrow.

MILITARY PEACE ESTABLISHMENT.

Mr. MASON, of New Hampshire, submitted the following motion for consideration:

Resolved, That the Committee on Military Affairs be instructed to report to the Senate a bill to reduce the Military Peace Establishment of the United States, to the number of five thousand men, to consist of such proportions of artillery, infantry, and riflemen, as the President of the United States shall deem proper, retaining the corps of engineers as at present established.

Mr. MASON said, that being convinced by a deliberate examination of the subject that the present Military Peace Establishment of ten thousand men was greater than the circumstances of the country required, he deemed it his duty to submit this resolution to the consideration of the Senate.

That he had delayed doing it earlier in the session, through an expectation that a similar proposition, presented to the House of Representatives, would have been acted on by that body. But as the House of Representatives had, without discussing the merits of that proposition, passed an appropriation bill for the expenses of the military service of the present year, it seemed proper that the Senate, before they agreed to that bill, should determine whether those expenses could not, consistently with the public interest, be lessened, by reducing the Military Establishment.

He admitted that protection from insult and violence being one of the chief objects of political society, it was the duty of all Governments to provide sufficient means for such protection; and that our Government, as well as all others, ought to have a military force sufficiently powerful to insure the safety of the country. But (he said) it is not necessary for the safety of the country, nor consistent with the principles of our system of Government, that this force should, in times of peace, consist principally of a standing army. A free Government, established by general consent, and maintained for the general welfare, will always find a sufficient resource against domestic violence in the affections and good will of its citizens. It is for defence against foreign enemies alone that this Government can ever need a standing army.

That standing armies, in free Governments, maintained in times of peace, are dangerous to the rights and liberties of the people, has been the doctrine of the wisest and best statesmen as long as free Governments have existed. Such is the jealousy of the people of Great Britain on this subject, that the maintaining of their army is never authorized by law for a longer period than one year. An act of Parliament is annually passed for the continuance of the army during the year, and fixing its numbers. Thus each branch of the Legislature always retains the power of reducing or wholly annihilating the army at pleasure.

In a country where the public defence is entirely intrusted to a regular army, it will never be held necessary that the mass of the people should be accustomed to the use of arms; and where the use of arms is confined to those who make it their profession, it is sufficiently apparent that the unarmed people, however numerous, can make but feeble resistance, when the arms, which they supposed intended for their protection, are turned against them.

So strong was that jealousy in this country, at the period of our Revolution, that it is expressly asserted in the constitutions of many of the States, that standing armies are dangerous to the liberties of the people, and that they ought not to be kept up in time of peace. This principle, thus solemnly recognised, was not intended to be abolished, by granting to Congress the power to raise armies. The end for which that power was granted was the defence of the country in time of war, and for no other purpose can it be justly exercised.

At this time there may be no sufficient cause for apprehending immediate dangers of the kind alluded to, from the present army. Perhaps its comparatively small number, a just confidence in the character of its officers, and the temper of the times, afford at present satisfactory security. But unless the army be strictly confined to the number necessary for its only justifiable use, it can have no certain limitation. And the same arguments which may now be used to justify or excuse the increase of the establishment beyond its true limits, may hereafter be urged with equal success for a much greater increase.

But the most important objection against the existing Military Establishment, is the great expense, which affords of itself a sufficient inducement for reducing the Army as low as the safety of the country will permit. In modern warfare, national wealth is essentially national strength. With a view, therefore, to public safety alone, whatever tends unnecessarily to the impoverishment of the public Treasury, should be cautiously avoided.

The question then is, whether a standing army of ten thousand men is necessary at the present time for the safety of the country against foreign aggression?

No exemption from a state of war, the common calamity of nations, is claimed for our country. A nation, which should depend on its justice and moderation alone for protection, would be compelled to submit not only to degrading insults, but also in the end to surrender to foreign cupidity and ambition its essential rights. To insure the enjoyment of our rights, a military force sufficient for their defence is necessary. In time of war, this force, as is generally admitted, ought to consist to a considerable extent of a regular standing army. The size of the army must of course be determined by the circumstances of the war in which we may be engaged. The policy of maintaining a certain portion of a regular army, in time of peace likewise, is not questioned.

It may not be easy to determine with exact precision what ought to be the extent of such a Peace Establishment. Our safest guide is our own past experience. Such is the difference in the circumstances of our country, and of the countries of Europe, that we can derive little instruction from their examples. They are surrounded by ambitious neighbors, against whose enterprises they are obliged constantly to guard. Instead of training the people to the use of arms, and relying on them for protection, the Governments there not only depend on their armies for defence against foreign invasion, but also for retaining their own subjects in obedience. Separated as we are by a great distance from the nations, with whom we may expect collisions, we shall always have sufficient notice of any intended attacks to enable us to make the necessary preparations for defence.

The only service we have for regular troops, in time of peace, is to defend the Western frontier, and preserve from decay and ruin our forti-

fications. If the Peace Establishment be not limited to the number, requisite for these objects, it will not be easy to fix any bounds to it, till we arrive at the point that forms the rule of many European Governments; which is, to increase the military force as far as there is ability to bear the expense. Should we determine to maintain, in peace, an army sufficiently large to defend the country in war, the present establishment will be found entirely inadequate. Our remote situation, and the well established character of our people, are a sufficient security against invasion, for the purpose of permanent conquest. With a seacoast of more than two thousand miles, intersected by many deep bays and rivers, the country cannot be protected against depredations by any other than a naval force. This is demonstrated by our experience during the two wars in which we have been engaged with Great Britain. It is impossible by fortifications and a land force, however extensive, to secure the country against the plundering expeditions of an enemy possessing the uncontrolled dominion of the ocean. Our principal towns and harbors may, by fortifications, be secured in some measure against sudden attacks. But the attempt would be idle by such means to defend our whole coast.

The acquiring and retaining military knowledge and discipline, for the future occasions of the country, is often urged as an argument in favor of the present Army Establishment. It may be doubted whether the present establishment tends much to the promotion of that object. Dispersed in small bodies as the troops now are, throughout the vast extent of the country, neither military knowledge will be acquired, nor discipline enforced. Indeed, little dependence can be placed on an army that has indulged in the idle habits in which all armies will indulge, during a long period of peace. This has been the common experience of all nations, accustomed to keep up their armies during peace, and was strongly exemplified in the total discomfiture of the Prussian army at the battle of Jena.

The present is a period of general peace throughout the world. The great Powers of Europe, fatigued and exhausted by a warfare of unexampled fury and extent, seem disposed to secure to themselves a state of peace and repose. Except the contest between Spain and her colonies in South America, no war exists among any of the nations with whom we have connexions. Judging from present appearances, we are in less danger of being soon involved in war, than we have been at any former period of our national existence.

We have no considerable misunderstanding with any nation, except Spain. The information of the state of our negotiations with that Government, lately communicated to the Senate by the President, certainly exhibits no symptoms of war. The subjects of the negotiation are all ancient: our claim of indemnification for the interruption, twenty years ago, of our right of deposite at New Orleans; a like indemnification for spoliations on our commerce during the domination of Bonaparte; the settlement of boundaries, and proposals for the exchange of certain territories, are the subjects of the existing negotiation. Whatever may be our opinions of the merits of these claims, there is little reason to fear they will occasion a war. Had we intended to have waged war against Spain for these causes, we might have begun it eight years ago, with as much justice as we now can, and certainly with superior advantages. If, then, we do not intend to make war against Spain, is there any reason to believe that Spain meditates a war against this country? During the late European war, Spain has been more reduced and impoverished than any other nation. She has not only suffered greatly in her wealth and resources, but seems not to have profited by the occasion, to improve her military character and institutions. Is it then probable that Spain, thus reduced, and while engaged in a conflict with her colonies, of vital importance and doubtful issue, will unnecessarily commence a war against this country? Will she not perceive that a war with us would insure the independence of her colonies? It would be deemed an act of madness for that nation, standing alone and unaided, to make war on us. And there is no appearance of a disposition, in any Power of Europe, to aid or sustain her in the undertaking. We are in but little more danger of a war with Spain, than with Naples, against which Power we have a similar claim for spoliation on our commerce.

With such prospects the Military Peace Establishment may with propriety be fixed as low, as it probably ever can be, at any future period. We have no reasons to flatter ourselves with the hope that the time will ever arrive when this nation will have less occasion for a large standing army. Nor is it apparent, from the circumstances of the present time, that we now need a larger army, than at any former period, since the formation of our Government. About the time of the commencement of our present Government, the war began, which continued till lately to agitate and convulse all the nations of Europe. At several periods of that great conflict, this nation sensibly felt the danger of being drawn within the vortex. Does our safety require, at the present time, a larger military force than was found to be sufficient for those periods?

Whenever we refer, for instruction, to the course pursued during the early years of this Government, we are always surprised by the simplicity and economy of those times, when compared with the present. In no department will this difference be found greater than in the military.

The first act of Congress regulating the military department passed in the year 1790, and expressly provides that the whole number of men, to be at any time retained in service, shall not exceed twelve hundred and sixteen. In a subsequent year, a regiment of infantry, to consist of nine hundred and twelve men, was added to the establishment. In 1794, an addition was made to the corps of artillery, with a provision that the whole corps should not exceed nine hundred and ninety-two. In several subsequent years, during the mis-

understanding between this country and France, Congress, by various acts, authorized the raising of additional numbers of troops. The acts, passed during that period, usually devolved on the President the power of raising a specified number of troops, if in his judgment the exigency of the times should render it necessary.

In the year 1802, the Military Peace Establishment was fixed at the number of three thousand and forty men, exclusive of commissioned officers. At that number it remained, till the difficulties occurred which led to the late war with Great Britain. Some pains have been taken to ascertain the number of troops in service during the first twenty years of this Government. It cannot be determined, with much certainty, from any returns or documents in the office of the Adjutant General. It is, however, confidently believed that the average number, during those twenty years, could not have exceeded three thousand.

This opinion is confirmed by an examination of the expenditures for the military service of those years.

From the statements of the Treasury Department, it appears, that the whole expenditure for the military service, including the Indian department, during the first twenty years of the Government, did not amount to twenty-nine millions of dollars. So that the average of annual expenditures, during those years, was less than one million and an half. The average annual expenditure, for three years subsequent to 1802, when the Military Peace Establishment was fixed, was only eight hundred and sixty-three thousand dollars. During the first twenty years, the Government was engaged in several expensive Indian wars, was compelled to put down by military force an extensive insurrection, and encountered heavy expenses, in preparation for a war with France. Where is the necessity for having, in the present time of general peace, a greater Military Establishment than was deemed sufficient for the security of the country, during that period of general warfare throughout the continent of Europe? Yet the number of troops now retained is more than three times what it then was, and the authorized expenditure for military service more than four times what it then was.

The Secretary of the Treasury, in his last annual report on the state of the finances, estimates the authorized expenditure for the military service of the present year at $6,459,625. This sum, as being necessary for the military service, he includes in his estimates of the permanent expenditures of future years. In this sum is understood to be included $800,000 for fortifications, and certain sums for ordnance stores. But those sums were also in the estimates of the last year, and are considered by the Secretary as permanently necessary, according to the present system, for the annual military service.

Such a great and sudden increase in the numbers and expenses of the Military Establishment, makes it the duty of Congress to lessen it, if it may be done consistently with the public safety. There is not, as is believed, a nation in the world whose military force in proportion to its numbers is so expensive as ours. Supposing the regiments and corps full, which is seldom the case, the average expense for each man would be six hundred and fifty dollars a year. And, after deducting such parts of the gross sum as are expended in fortifications and ordnance stores, which remain at the end of the year, the average expense for each man would still be at least five hundred and fifty dollars a year.

From our past experience and from estimates, which may be relied on, it may be safely asserted that we can maintain a navy, with ten thousand seamen, in constant service, and including all expenses of building and repairing the ships, for a less sum than is now expended for the same number of land forces. The estimated expense of building and equipping a seventy-four gun ship is $384,000, of a forty-four gun frigate $263,000. The whole annual expense of keeping in service a seventy-four gun ship, including the ordinary repairs, with a full crew of six hundred and fifty-six men, is estimated at $189,000. A frigate with four hundred and fifty men, at $134,000. Supposing the vessels to last only ten years, the whole expense of building and equipping the vessels and keeping them in service, that term of time, with their full crews of eleven hundred and six men, would be $3,882,000. The expense of maintaining the same number of regular troops in the Peace Establishment, for the same period of time, at the estimated expense of five hundred and fifty dollars a year for each man, would amount to more than six millions of dollars.

No one, who recollects the events of the late war, can doubt the superior advantages to this country of a naval over a land force, whether for purposes of defence or offence. Had we possessed, at the commencement of that war, a competent naval force, not only our own coast might have been protected against predatory expeditions, but the vast commerce of our enemy, together with her valuable West India possessions, would have been at our mercy; for this country a naval force is the cheapest and most efficient, is the most congenial to the principles of our Government, least dangerous to the rights of the people, and consequently least obnoxious to their jealousy.

There is no occasion for keeping in service, in time of peace, more regular troops than are necessary to guard the Western frontier, and take care of the forts and garrisons. I believe (said Mr. M.) half the present number sufficient for those purposes. No inconvenience was experienced for the want of troops during the time while only three thousand were retained in service. In my judgment, therefore, the Military Peace Establsshment ought to be reduced to five thousand men, the one-half its present number. I believe it would be consistent with the safety, and in furtherance of the best interests of the country. The saving to the Treasury that would be made, which would exceed two and a half millions of dollars a year, might be applied, partly, to a further increase of the Navy, and partly towards a more speedy extinguishment of the national debt.

TUESDAY, February 18.

Mr. FROMENTIN, from the Joint Library Committee, reported the following resolutions, which were read, and passed to the second reading:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the Commissioner of Public Buildings to cause to be erected and fitted up for the reception of the Library of Congress a suitable building, upon a plan to be approved by the President of the Senate and Speaker of the House of Representatives, to be situated on Delaware avenue, north of the Capitol.

Resolved, That when the said building shall be ready for the reception of the said library, it shall be the duty of the Librarian to remove the same and arrange the books therein.

Mr. FROMENTIN presented the petition of William Hargrave, praying the privilege of entering with the register of the land office east of Pearl river, the tract of land on which he resides, not exceeding four hundred and eighty acres, as designated in the petition; which was read, and referred to the Committee on Public Lands, to consider and report thereon by bill or otherwise.

On motion, by Mr. RUGGLES, the Committee on the Post Office and Post Roads were instructed to inquire into the expediency of establishing a post road from Fort Wayne, in the State of Ohio, to Chicago, in the State of Indiana.

On motion, by Mr. CHACE, the Senate resumed, as in Committee of the Whole, the consideration of the bill to provide for reports of the decisions of the Supreme Court; and no amendment having been proposed, the PRESIDENT reported the bill to the House; and the bill was ordered to be engrossed, and read a third time.

WEDNESDAY, February 19.

Mr. ROBERTS, from the Committee of Claims, to whom was referred the petition of Joseph C. Boyd, made the following report:

That the petitioner was a Paymaster in the Army, and, on the 9th of March, 1813, he intrusted to Captain Joseph Westcott the sum of $1,374 35, to pay said Westcott's company, then stationed at Castine, in the District of Maine. Captain Westcott left Portland in the sloop Harriet of Portland, Jacob Orcutt, master, and, on the day he sailed, dropped the money overboard, and was deprived of the means of recovering it by a rough sea. Mutilated duplicate receipts, given by Captain Westcott to the Paymaster for the sum in question, are in the Accountant's office. It appears the usage has been, and is still continued, of the Paymasters sending their remittances to the officers of posts by such conveyances as they may select; it is, however, understood to be at the risk of the Paymaster. In this case, very full evidence is given that the loss was accidental, though the loose manner in which Captain Westcott was carrying the money was blameable. The effect of relieving the petitioner to the United States is the payment of the money twice.

The committee are of opinion that, however severely the withholding relief may press upon the petitioner, the precedent such a grant would establish would be of the most evil tendency. It seems unwise to adopt any measure that would encourage remissness in the transmission of moneys by Paymasters. The following resolution is respectfully submitted, viz:

Resolved, That the petitioner have leave to withdraw his petition.

The report and resolution were read.

Mr. ROBERTS, from the same committee, to whom was referred the petition of Thomas Ewell, made a report, together with the following resolution:

Resolved, That the prayer of the petitioner is unreasonable, and ought not to be granted.

The report and resolution were read.

On motion, by Mr. ROBERTS, the Committee of Claims, to whom was referred the petition of John Otis, attorney of William Otis, late collector of the customs of the district of Barnstable, were discharged from the further consideration thereof.

Mr. DANA, from the committee to whom was referred the motion submitted by Mr. FROMENTIN on the 14th instant, with instructions relating to the journals, made a report, which was read.

The Senate resumed the consideration of the motion of the 17th instant for instructing the Committee on Military Affairs to report a bill to the Senate to reduce the Military Peace Establishment of the United States; and, on motion, by Mr. KING, the further consideration thereof was postponed to, and made the order of the day for Friday next.

The Senate resumed the consideration of the motion of the 17th instant, for instructing the Committee on Finance to inquire into the expediency of authorizing the Secretary of the Treasury to purchase, or cause to be erected, suitable buildings for custom-houses and public warehouses, for the safe and convenient collection of the revenue of the United States, and agreed thereto.

The Senate resumed the consideration of the motions of the 17th instant, for instructing the Committee on Finance to report to the Senate a bill providing for the establishment of a bank within the City of Washington, upon certain conditions, and to report a bill prohibiting, after a certain time, the making and issuing, by any unauthorized association or individual, within the District of Columbia, notes or bills, with intent to cause the same to be circulated and received in payment; and, on motion by Mr. GOLDSBOROUGH, the further consideration was postponed until the fourth day of March next.

The bill respecting the transportation of persons of color for sale or to be held to labor, was read a third time, and passed.

The bill to provide for reports of the decisions of the Supreme Court was read a third time, and the blanks were filled, first with 1,000, second with 80; and on the question, "Shall this bill pass?" it was determined in the affirmative—yeas 30, nays 6, as follows:

YEAS—Messrs. Ashmun, Barbour, Brown, Campbell, Chace, Daggett, Dana, Fromentin, Gaillard, Goldsborough, Hanson, Hardin, Horsey, Howell, Hunter, King, Mason of New Hampshire, Mason of Vir-

ginia, Morrow, Noble, Ruggles, Sanford, Smith, Stokes, Tait, Talbot, Taylor, Thompson, Tichenor, and Troup.

NAYS—Messrs. Condit, Lacock, Macon, Roberts, Varnum, and Wilson.

So it was *Resolved*, That this bill pass, and that the title thereof be, "An act to provide for reports of the decisions of the Supreme Court."

Mr. LACOCK presented the petition of Aquilla M. Bolton and Amos J. Yarnall, executors of Lieutenant John J. Yarnall, late of the United States Navy, praying relief in the settlement of his accounts, as stated in the petition; which was read, and referred to the Committee on Naval Affairs, to consider and report thereon by bill or otherwise.

Mr. CHACE, from the Committee on the Judiciary, to whom was recommitted the bill to provide for the punishment of crimes and offences committed within the Indian boundaries, reported it with amendments; which were read.

Mr. FROMENTIN submitted the following motion for consideration:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of allowing to the judge of the sixth circuit court of the United States a sum equal to the salary of the judge of the district court of South Carolina, for the term of one year, during which time the said circuit judge was compelled, by law, to perform the duties of the judge of said district court.

Mr. CHACE, from the Committee on the Judiciary, asked and obtained leave to report a bill in addition to an act, entitled "An act for the more convenient taking of affidavits and bail in civil causes depending in the courts of the United States; and the bill was read, and passed to the second reading.

Mr. CHACE, from the same committee, to whom the subject was referred, reported a bill to divide the State of Pennsylvania into two judicial districts; and the bill was read, and passed to the second reading.

The bill entitled "An act making appropriations for the support of Government for the year 1817," was read the second time, and referred to the Committee on Finance, to consider and report thereon.

On motion, by Mr. BARBOUR, it was agreed that the consideration of the bill, entitled "An act concerning the navigation of the United States," together with the amendments reported thereto by the Committee of Foreign Relations be postponed to, and made the order of the day for, to-morrow.

Mr. CAMPBELL presented the petition of Jesse Bean, representing that he has lately discovered a silver mine in the Missouri Territory, and praying the privilege of working the same for five years, on conditions stated in the petition; which was read, and referred to the Committee on the Public Lands, to consider and report thereon by bill or otherwise.

The bill entitled "An act relating to the ransom of American captives of the late war," was read the second time, and referred to the Committee on Military Affairs, to consider and report thereon.

The resolution directing a building to be erected for the use of the Library of Congress, was read the second time.

Mr. GOLDSBOROUGH submitted the following motion for consideration:

Resolved, That the President of the United States be requested to cause to be reported to the Senate, at the next session of Congress, such measures as he may deem most effectual for the security of the country watered by the Chesapeake bay and its tributary streams, against the maritime force of an enemy.

The Senate resumed the consideration of the bill respecting persons escaping from the service of their masters.

On motion of Mr. TALBOT, that the further consideration thereof be postponed until to-morrow week, it was determined in the affirmative—yeas 21, nays 14, as follows:

YEAS—Messrs. Barbour, Brown, Campbell, Condit, Daggett, Dana, Fromentin, Gaillard, Goldsborough, Hardin, Hunter, King, Macon, Mason of Virginia, Sanford, Smith, Stokes, Tait, Talbot, Thompson, and Troup.

NAYS—Messrs. Ashmun, Chace, Hanson, Horsey, Howell, Lacock, Morrow, Noble, Roberts, Ruggles, Taylor, Tichenor, Varnum, and Wilson.

On motion, by Mr. GOLDSBOROUGH, the Committee on Finance, to whom was referred the petition of the President and Directors of the Bank of the Metropolis; of the President and Directors of the Patriotic Bank of Washington; and of the President and Directors of the Central Bank of Georgetown and Washington, respectively praying charters of incorporation, were discharged from the further consideration thereof, and they were severally referred to the Committee on the District of Columbia, to consider and report thereon by bill or otherwise.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to incorporate the members of the Columbian Institute; and, on motion by Mr. WILSON, the further consideration thereof was postponed until the fourth day of March next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to establish a separate Territorial government for the eastern part of the Mississippi Territory, together with the amendments reported thereto by the select committee. Mr. VARNUM was requested to take the Chair; and the amendments having been agreed to, with an additional amendment, the PRESIDENT resumed the Chair, and the bill was reported to the House accordingly. And the amendments having been concurred in, the bill was ordered to be engrossed, and read a third time.

Mr. WILLIAMS submitted the following motion for consideration:

Resolved, That the President of the United States be requested to lay before the Senate a copy of the correspondence between the Government of the United States and the Government of Spain, relative to the

subjects of controversy between the two nations, except such parts as he may deem improper to disclose.

The PRESIDENT communicated a report of the Postmaster General, of the unproductive post roads for the year 1816; and the report was read.

On motion, by Mr. MORROW, the further consideration of the bill to set apart and dispose of certain public lands for the encouragement of the vine and other exotic plants thereon, was postponed to, and made the order of the day for, to-morrow.

THURSDAY, February 20.

Mr. MASON, of Virginia, presented the petition of the President and Directors of the Union Bank of Alexandria, praying an act of incorporation, for reasons stated in the petition; which was read, and referred to the Committee on the District of Columbia, to consider and report thereon by bill or otherwise.

Mr. MASON, of Virginia, also presented the petition of the President and Directors of the Farmers' Bank of Alexandria, praying an extension of their charter, for reasons stated in the petition; which was read, and referred to the same committee, to consider and report thereon by bill or otherwise.

Mr. MASON also presented the petition of Alicia Carter, relict of William B. Carter, who died in the service of his country during the late war, previous to his being mustered, praying for relief, as stated in the petition; which was read, and referred to the Committee on Military Affairs, to consider and report thereon by bill or otherwise.

Mr. TAIT, from the Committee on Naval Affairs, to whom the subject was referred, reported a bill for the relief of the legal representatives of John J. Yarnall, deceased; and the bill was read, and passed to the second reading.

Mr. TAIT, from the same committee, to whom was referred the memorial of Edward Shubrick and others, officers of the late United States' brig Chippewa, made report, together with the following resolution:

Resolved, That the memorialists have leave to withdraw their memorial.

Mr. MASON, of New Hampshire, presented the memorial of the merchants of Portsmouth, New Hampshire, and its vicinity, who have suffered from the depredations of French cruisers; representing, that during the wars in Europe which arose out of the French Revolution, their property, while engaged in lawful commerce, was subjected to capture and condemnation by the cruisers of the French Republic, upon the most frivolous pretences; that for these aggressions they had a claim upon the justice of the French Government, which they had urged with some success, but that by the convention of September 30, 1800, the claim of American citizens for indemnity for such captures was relinquished, in consideration of certain great political advantages in favor of the United States, whereby they conceive the United States are bound to discharge those claims which they prevented their citizens from obtaining abroad; and praying compensation therefor, and that such measures may be pursued as will secure to them an indemnity from the Government of France for the depredations of French cruisers since the ratification of the convention of September 30, 1800; and the memorial was read, and ordered to be printed for the use of the Senate.

The Senate resumed the consideration of the motion of the 19th instant, for requesting the President of the United States to cause to be reported to the Senate, at the next session of Congress, such measures as he may deem most effectual for the security of the country watered by the Chesapeake Bay against the maritime force of an enemy; and on motion, by Mr. BARBOUR, the further consideration thereof was postponed until the 4th day of March next.

The Senate resumed the consideration of the motion of the 19th instant, for requesting a copy of the correspondence between the Government of the United States and the Government of Spain, relative to the controversy between the two nations, except such part as may be deemed improper to disclose, and agreed thereto.

The Senate resumed the consideration of the motion of the 19th instant, for instructing the Committee on the Judiciary to inquire into the expediency of allowing to the judge of the sixth circuit court of the United States, a certain compensation for having performed the duties of the judge of the district court of South Carolina; and agreed thereto.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of Joseph C. Boyd; and in concurrence therewith, the petitioner had leave to withdraw his petition.

The Senate resumed the consideration of the report of the Committee of Claims to whom was referred the petition of Thomas Ewell; and, in concurrence therewith, it was resolved that the prayer of the petitioner is unreasonable, and ought not to be granted.

The bill in addition to an act entitled "An act for the more convenient taking of affidavits and bail in civil causes depending in the courts of the United States," was read the second time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act concerning the navigation of the United States," together with the amendments reported thereto by the Committee on Foreign Relations; and the bill having been amended, the PRESIDENT reported it to the House accordingly, and the amendments having been concurred in with further amendments, on the question, "Shall the amendments be engrossed and the bill read a third time as amended?" it was determined in the affirmative.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to set apart and dispose of certain lands for the encouragement of the cultivation of the vine, and other exotic plants thereon. Mr. VARNUM was re-

quested to take the Chair, and the bill having been amended, the PRESIDENT resumed the Chair, and it was reported to the House accordingly; and the amendments having been concurred in, on the question, "Shall this bill be engrossed and read a third time?" it was determined in the affirmative—yeas 29, nays 5, as follows:

YEAS—Messrs. Ashmun, Barbour, Brown, Campbell, Chace, Condit, Dana, Fromentin, Gaillard, Goldsborough, Horsey, Howell, Hunter, King, Lacock, Macon, Morrow, Noble, Roberts, Sanford, Stokes, Tait, Talbot, Taylor, Tichenor, Troup, Varnum, Wells, and Wilson.

NAYS—Messrs. Daggett, Hardin, Mason of New Hampshire, Ruggles, and Smith.

ALTERATION OF THE JOURNAL.

The Senate resumed the consideration of the report of the committee to whom was referred the motion submitted by Mr. FROMENTIN, on the 14th instant, with instructions in relation to the journal, as follows:

"That before the statement of the motion of Mr. Barbour, on which the question was taken by yeas and nays, on Thursday the 13th instant, as recorded in the journal of that day, it would be proper to state the reading of the entries, prepared by the Secretary of the Senate, for a journal of the preceding day, with reference to the counting of votes for President and Vice President of the United States.

"In the opinion of the Committee, a fair view of the question on which the yeas and nays were taken, may be presented in the following mode of stating the fact, viz:

"The entries prepared by the Secretary of the Senate for a journal of proceedings, on Wednesday the 12th instant, with reference to the counting of votes for President and Vice President of the United States, were read in the words following:

"The two Houses of Congress agreeably to the joint resolution, assembled in the Representatives' Chamber, and the certificates of the Electors of the several States, beginning with the State of New Hampshire, were, by the President of the Senate, opened and delivered to the tellers appointed for the purpose, by whom they were read, except the State of Indiana; and when the certificate of the Electors of that State was opened, an objection was made by Mr. Taylor, a member of the House of Representatives, from the State of New York, on the ground 'that the votes of the Electors of the State of Indiana, for President and Vice President of the United States, (having been given previous to the admission of that State into the Union) ought not to be received and counted."

"Whereupon, on motion, by Mr. VARNUM, the Senate returned to their own Chamber; and the following message was received from the House of Representatives, by Mr. Dougherty their Clerk:

"'Mr. President: The House of Representatives is ready to proceed to make out and complete a list of the votes for President and Vice President of the United States, in pursuance of the joint resolution of the 11th instant.'

"The two Houses of Congress having again assembled in the Representatives' Chamber, and the certificate of the Electors of the State of Indiana having been opened by the President of the Senate, was delivered to the tellers appointed for the purpose, who, having examined and ascertained the whole number of votes, presented a list thereof to the President of the Senate, which was read as follows:

STATES.	President.		For Vice President.				
	James Monroe, of Virginia.	Rufus King, of New York.	Daniel D. Tompkins, of N. Y.	John E. Howard, of Maryland.	James Ross, of Pennsylvania.	John Marshall, of Virginia.	Robert G. Harper, of Mary'd.
New Hampshire	8	–	8				
Massachusetts	–	22	–	22			
Rhode Island	4	–	4				
Connecticut	–	9	–	–	5	4	
Vermont	8	–	8				
New York	29	–	29				
New Jersey	8	–	8				
Pennsylvania	25	–	25				
Delaware	–	3	–	–	–	–	3
Maryland	8	–	8				
Virginia	25	–	25				
North Carolina	15	–	15				
South Carolina	11	–	11				
Georgia	8	–	8				
Kentucky	12	–	12				
Tennessee	8	–	8				
Ohio	8	–	8				
Louisiana	3	–	3				
Indiana	3	–	3				
Total	183	34	183	22	5	4	3

"The whole number of votes being 217, of which 109 make a majority.

"Whereupon, Mr. Barbour, submitted the following motion, which was read and considered:

"*Resolved*, That the Journal of the proceedings of the Senate on yesterday, so far as they are connected with the service of counting the ballots for President and Vice President of the United States, be made up in conformity to the precedents heretofore established in similar cases."

On the question to agree thereto, it was determined in the negative—yeas 12, nays 20.

On motion by Mr. DANA, the yeas and nays being desired by one fifth of the Senators present, those who voted in the affirmative, are

Messrs. Chace, Dana, Fromentin, Lacock, Macon, Noble, Ruggles, Sanford, Tait, Taylor, Tichenor, and Varnum.

Those who voted in the negative, are

Messrs. Ashmun, Barbour, Brown, Daggett, Gaillard, Goldsborough, Hanson, Hardin, Horsey, Howell, Hunter, Mason of New Hampshire, Mason of Virginia, Morrow, Roberts, Smith, Stokes, Talbot, Williams, and Wilson.

And then, on motion, the Senate adjourned until to-morrow.

FRIDAY, February 21.

Mr. WILLIAMS, from the Committee on Military Affairs, to whom was referred the bill entitled "An act relating to the ransom of American captives of the late war," reported it without amendment.

Mr. WILLIAMS, from the same committee, to whom the subject was referred, reported a bill to secure in certain cases the bounty in land to the heirs of deceased soldiers; and the bill was read, and passed to the second reading.

Mr. CAMPBELL, from the Committee of Finance, who were instructed by a resolution of the 11th instant, reported a bill to continue in force an act, entitled "An act further to provide for the collection of duties on imports and tonnage," passed the 3d day of March, 1815, and for other purposes; and the bill was read, and passed to the second reading.

Mr. CHACE, from the Committee on the Judiciary, who were instructed by a resolution of the 20th instant, reported a bill providing an additional compensation to the circuit judge of the sixth circuit of the United States; and the bill was read, and passed to the second reading.

Mr. CAMPBELL, from the Committee on Finance, to whom was referred the bill, entitled "An act making appropriations for the support of Government for the year 1817, reported it with amendments, which were read.

The PRESIDENT communicated a letter from the Secretary of the Navy Department, transmitting, for the use of the members of the Senate, fifty copies of the Register of the Officers of the Navy of the United States, in conformity with the resolution of December 11th, 1815; and the letter was read.

Mr. TAIT gave notice that to-morrow he should ask leave to bring in a bill altering the time for the next meeting of Congress.

The Senate resumed the consideration of the report of the Committee on Naval Affairs, to whom was referred the memorial of Edward Shubrick and others, officers of the late United States brig Chippewa. Whereupon,

Resolved, That the memorialists have leave to withdraw their memorial.

The bill to divide the State of Pennsylvania into two judicial districts, was read the second time.

The bill for the relief of the legal representatives of John J. Yarnall, was read the second time.

The bill to establish a separate Territorial government for the eastern part of the Mississippi Territory, was read a third time, and passed.

The bill to set apart and dispose of certain public lands for the encouragement of the cultivation of the vine, and other exotic plants thereon, having been reported by the committee correctly engrossed, was read a third time.

Resolved, That this bill pass, and that the title thereof be, "An act to set apart and dispose of certain public lands for the encouragement of the cultivation of the vine and olive."

The amendments to the bill, entitled "An act concerning the navigation of the United States," having been reported by the committee correctly engrossed, the bill was read a third time as amended, and passed.

The Senate resumed, agreeably to the order of the day, the consideration of the motion of the 17th instant, for instructing the Committee on Military Affairs to report to the Senate a bill to reduce the Military Peace Establishment of the United States; and, on motion by Mr. WILLIAMS, the consideration thereof was further postponed to and made the order of the day for Monday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act more effectually to preserve the neutral relations of the United States," together with the amendments reported thereto by the Committee on Foreign Relations; and, on motion by Mr. BARBOUR, the bill was recommitted to the Committee on Foreign Relations, further to consider and report thereon.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Sarah Dewees, and no amendment having been agreed to, the PRESIDENT reported the bill to the House, and it was ordered to be engrossed and read a third time.

A message from the House of Representatives informed the Senate that the House have passed a bill entitled "An act repealing the act, entitled 'An act for the safekeeping and accommodation of prisoners of war,' passed July 6, 1812;" a bill entitled "An act making provision for the support of the Military Establishment for the year 1817," a bill entitled "An act making additional appropriations to defray the expenses of the army and militia during the late war with Great Britain;" a bill entitled "An act supplementary to an act entitled 'An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments;" a bill, entitled "An act freeing from postage all letters and packets to and from James Madison;" a bill entitled "An act to authorize the extension of the Columbia turnpike road within the District of Columbia;" a bill entitled "An act concerning the compensation of the district attorney for the district of Massachusetts;" also a bill, entitled "An act making appropriations for the support of the Navy of the United States for the year 1817," in which bills they request the concurrence of the Senate.

The eight bills last mentioned were read, and severally passed to the second reading.

The bill entitled "An act repealing the act entitled 'An act for the safekeeping and accommodation of prisoners of war,' passed July the 6th, 1812," was read the second time by unanimous consent, and referred to the Committee on Military Affairs, to consider and report thereon.

The bill entitled "An act making provision for the support of the Military Establishment for the year 1817," was read the second time by unanimous consent, and referred to the Committee on Finance, to consider and report thereon.

The bill entitled "An act making additional appropriations to defray the expenses of the army and militia during the late war with Great Britain," was read the second time by unanimous consent, and referred to the committee last mentioned, to consider and report thereon.

The bill entitled "An act supplementary to an act, entitled 'An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments,'" was read the second time by unanimous consent, and referred to the same committee, to consider and report thereon.

The bill entitled "An act to authorize the extension of the Columbia turnpike road within the District of Columbia," was read the second time by unanimous consent, and referred to the Committee on the District of Columbia, to consider and report thereon.

The bill entitled "An act concerning the compensation of the district attorney for the district of Massachusetts," was read a second time by unanimous consent, and referred to the Committee on the Judiciary, to consider and report thereon.

The bill entitled "An act making appropriations for the support of the Navy of the United States for the year 1817," was read the second time by unanimous consent, and referred to the Committee on Naval Affairs, to consider and report thereon.

The bill entitled "An act freeing from postage all letters and packets to and from James Madison," was read the second time by unanimous consent.

The Senate resumed, as in Committee of the Whole, the consideration of the bill authorizing a subscription for an additional volume of the Laws of the United States, and for the distribution thereof; and no amendment having been made thereto, the bill was reported to the House; and on motion, by Mr. DAGGETT, the further consideration thereof was postponed until to-morrow.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to provide for the purchase and distribution of the laws of the United States; and no amendment having been agreed to, the PRESIDENT reported it to the House, and it was ordered to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill authorizing the appointment of hospital surgeons and hospital surgeons' mates in the Navy of the United States, together with the amendment reported thereto by the Committee on Naval Affairs; and on motion, by Mr. LACOCK, the further consideration thereof was postponed until the fifth day of March next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the benefit of the legal representatives of Francis Cazeau, late merchant of Montreal; and no amendment having been made thereto, the PRESIDENT reported it to the House, and it was ordered to be engrossed and read a third time.

SATURDAY, February 22.

Mr. WILLIAMS, from the Committee on Military Affairs, who were instructed by a resolution of the 5th instant, reported a bill to amend "An act for organizing the General Staff, and making further provision for the Army of the United States;" and the bill was read, and passed to the second reading.

Mr. MASON, of Virginia, from the Committee on the District of Columbia, to whom the subject was referred, reported a bill to incorporate the subscribers to certain banks within the District of Columbia; and the bill was read, and passed to the second reading.

Mr. MASON, from the same committee, asked and obtained leave to report a bill to extend the charters of certain banks within the District of Columbia, and for other purposes; and the bill was read, and passed to the second reading.

Mr. WILSON presented the petition of George Rowles, praying relief in consideration of his having been maimed while in the public service, in the Ordnance Department; and the petition was read, and referred to the Committee on Pensions, to consider and report thereon by bill or otherwise.

Agreeably to notice, Mr. TAIT asked and obtained leave to bring in a bill to alter the time for the next meeting of Congress; and the bill was read, and passed to the second reading.

Mr. NOBLE, from the Committee on Public Lands, to whom was referred the petition of James Reed and others, reported a bill giving the right of pre-emption in the purchase of a tract of land in the reservation at the Lower Rapids of Sandusky; and the bill was read, and passed to the second reading.

Mr. WILLIAMS, from the Committee on Military Affairs, to whom was referred the bill, entitled "An act repealing the act, entitled 'An act for the safekeeping and accommodation of prisoners of war,' passed July the 6th, 1812," reported it without amendment.

The bill to secure, in certain cases, the bounty in land to the heirs of deceased soldiers, was read the second time.

The bill providing an additional compensation to the circuit judge of the sixth circuit of the United States, was read the second time.

The Senate resumed the consideration of the bill authorizing a subscription for an additional volume of the Laws of the United States, and for the distribution thereof; and on motion, by Mr. DAGGETT, the further consideration thereof was postponed until Monday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill making reservation of certain public lands to supply timber for naval purposes; and the bill having been amended, the PRESIDENT reported it to the House accordingly, and it was ordered to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to authorize the appointment of a surveyor for the lands in the northern part of the Mississippi Territory, and

the sale of certain lands therein described; and no amendment having been made thereto, the PRESIDENT reported the bill to the House, and it was ordered to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act supplementary to an act, entitled 'An act concerning the Naval Establishment;'" and no amendment having been made thereto, the PRESIDENT reported it to the House, and it passed to a third reading.

The bill to provide for the purchase and distribution of the laws of the United States, was read a third time, the blank filled with "800," and passed.

The bill for the benefit of the legal representatives of Francis Cazeau, late merchant of Montreal, was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to set apart and pledge, as a permanent fund for internal improvements, the bonus of the National Bank, and the United States share of its dividends."

On motion, by Mr. DAGGETT, the further consideration thereof was postponed to, and made the order of the day for, Tuesday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of Park Holland;" and no amendment having been made thereto, the PRESIDENT reported it to the House, and it passed to a third reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill entitled, "An act to amend the act authorizing the payment for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes, passed the ninth of April, 1816," together with the amendments reported thereto by the select committee; and on motion, by Mr. SANFORD, the further consideration thereof was postponed until Monday next.

The bill for the relief of Sarah Dewees was read a third time, and the blank filled with "9,079 80-106."

On the question, "Shall this bill pass?" it was determined in the negative.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to provide for the punishment of crimes and offences committed within the Indian boundaries, together with the amendments reported thereto by the Committee on the Judiciary; and, the amendments having been agreed to, the PRESIDENT reported the bill to the House accordingly; and, the amendments having been concurred in, the bill was ordered to be engrossed, and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill authorizing vessels departing from the town of the Bayou St. John, and the basin of the Canal De Carondelet, for foreign ports, to clear out at the custom-house in the city of New Orleans; and, no amendment having been made thereto, the PRESIDENT reported it to the House, and the bill was ordered to be engrossed, and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the resolution directing a building to be erected for the use of the Library of Congress; and, no amendment having been made thereto, the PRESIDENT reported it to the House; and on the question, "Shall this resolution be engrossed, and read a third time?" it was determined in the negative.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act concerning invalid pensioners;" a bill, entitled "An act to amend an act entitled 'An act making further provision for military services during the late war, and for other purposes;" also a bill, entitled "An act respecting the pay and emoluments of certain officers of the Army of the United States;" in which bills they request the concurrence of the Senate. They have also passed the bill which originated in the Senate, entitled "An act granting a pension to Commodore Richard Taylor," with amendments; in which they request the concurrence of the Senate.

On motion, the Senate proceeded to consider the amendments of the House of Representatives to the bill last mentioned, and concurred therein.

The three bills last brought up for concurrence were read, and they severally passed to the second reading.

On motion by Mr. GOLDSBOROUGH, the Acting Secretary of War was requested to lay before the Senate the probable amount of the claim of the State of Maryland, for military services during the late war, and such information as he may be in possession of on the subject.

The Senate resumed, as in Committee of the Whole, the consideration of the bill in addition to an act, entitled "An act for the more convenient taking of affidavits and bail in civil causes, depending in the courts of the United States;" and, no amendments having been made thereto, the PRESIDENT reported the bill to the House, and it was ordered to be engrossed, and read a third time.

Mr. CAMPBELL, from the Committee on Finance, communicated the correspondence with the Secretary of the Treasury, on the subject of the national currency; which was read, and ordered to be printed for the use of the Senate.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to divide the State of Pennsylvania into two judicial districts; and, no amendment having been made thereto, the PRESIDENT reported it to the House, and it was ordered to be engrossed, and read a third time.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I transmit to the Senate a report of the Secretary of State, complying with their resolution of the 20th inst.

JAMES MADISON.

FEBRUARY 22, 1817.

The Message and report therein mentioned

were read, and ordered to be printed for the use of the Senate.

Mr. ROBERTS presented the memorial of the Philadelphia Society for promoting American Manufactures, praying the tariff of duties established at the last session, particularly on cotton and woollen goods, may be rendered permanent, and that wholesome provisions for preventing evasions of the revenue laws may be enacted, for reasons stated in the memorial; which was read, and referred to the Committee on Commerce and Manufactures, to consider and report thereon, by bill or otherwise.

Mr. VARNUM gave notice that, at the next sitting of the Senate, he should ask leave to bring in a bill, authorizing a subscription for the printing of the tenth volume of the public documents.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of the legal representatives of John J. Yarnall; and, no amendment having been made thereto, the PRESIDENT reported it to the House, and it was ordered to be engrossed, and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act relating to the ransom of American captives of the late war;" and, no amendment having been made thereto, the PRESIDENT reported it to the House, and it passed to a third reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act making appropriations for the support of Government for the year 1817," together with the amendments reported thereto by the Committee on Finance; and the amendments having been agreed to, with further amendments, on motion by Mr. CAMPBELL, the further consideration thereof was postponed until Monday next.

Mr. WILLIAMS gave notice that, at the next sitting of the Senate, he should ask leave to bring in a bill compensating Peter Hagner.

Mr. SANFORD presented the petition of Nicholas Boom, who was a private in the Army of the United States during the Revolutionary war, and praying a pension in consideration of his services and sufferings, as stated in the petition; which was read, and referred to the Committee on Pensions, to consider and report thereon, by bill or otherwise.

MONDAY, February 24.

The PRESIDENT communicated a report of the Acting Secretary of the Department of War, showing the expenditure of the moneys appropriated for the contingent expenses of the Military Establishment, for the year 1816; and the report was read.

The PRESIDENT also communicated a letter from Governor Plumer, presenting to the Senate a map of New Hampshire, in compliance with a resolution of the Legislature of that State; and the letter was read.

Mr. CHACE, from the Committee on the Judiciary, to whom was referred the bill, entitled "An act concerning the compensation of the district attorney for the district of Massachusetts," reported it without amendment.

Mr. VARNUM asked and obtained leave to bring in a bill, authorizing a subscription for the printing of the tenth volume of public documents; and the bill was read, and passed to the second reading.

Mr. WILSON, from the Committee on the Post Office and Post Roads, asked and obtained leave to bring in a bill to establish post roads; and the bill was read, and passed to the second reading.

Mr. WILSON, from the same committee, who were instructed, by a resolution of the Senate, to inquire into the expediency of increasing the compensation of the postmaster at Newark, New Jersey, reported the following resolution; which was read:

Resolved, That it is inexpedient to increase the compensation of the postmaster at Newark, in New Jersey.

The bill to continue in force "An act further to provide for the collection of duties on imports and tonnage," passed the third day of March, 1815, and for other purposes, was read the second time.

The bill, entitled "An act respecting the pay and emoluments of certain officers of the Army of the United States," was read the second time, and referred to the Committee on Military Affairs, to consider and report thereon.

The bill, entitled "An act to amend an act entitled 'An act making further provision for military services during the late war, and for other purposes,'" was read the second time, and referred to the same committee to consider and report thereon.

The bill, entitled "An act concerning invalid pensioners," was read the second time, and referred to the Committee on Pensions, to consider and report thereon.

Mr. MORROW submitted sundry documents in relation to Malyne Baker. Whereupon, on motion by Mr. MORROW, the Committee on Pensions were instructed to inquire into the expediency of placing Malyne Baker, of the State of Ohio, on the list of invalid pensioners.

The bill to extend the charters of certain banks in the District of Columbia, and for other purposes, was read the second time.

On motion, by Mr. HARDIN, it was agreed to suspend the 11th rule for conducting business in the Senate:

Whereupon, Mr. HARDIN asked and obtained leave to bring in a bill to prevent the discontinuance of the business of the Supreme Court in certain cases; and the bill was read, and passed to the second reading.

The bill to amend an act for organizing the General Staff, and making further provision for the Army of the United States, was read the second time.

The bill to alter the time for the next meeting of Congress was read the second time.

The bill to provide for the punishment of crimes and offences committed within the Indian boundaries, was read a third time.

On the question, "Shall this bill pass?" it was

determined in the affirmative—yeas 17, nays 13, as follows:

YEAS—Messrs. Barbour, Brown, Chace, Daggett, Hardin, Horsey, Howell, Hunter, Macon, Mason of Virginia, Ruggles, Sanford, Stokes, Talbot, Taylor, Troup, and Williams.

NAYS—Messrs. Ashmun, Condit, Gaillard, King, Lacock, Mason of New Hampshire, Morrow, Roberts, Smith, Thompson, Tichenor, Varnum, and Wilson.

So it was *Resolved*, That this bill pass, and that the title thereof be "An act to provide for the punishment of crimes and offences committed within the Indian boundaries."

The bill making reservation of certain public lands to supply timber for naval purposes, having been reported by the committee correctly engrossed, was read a third time, and the blanks were filled.

Resolved, That this bill pass, and that the title thereof be "An act making reservation of certain public lands to supply timber for naval purposes."

The bill to authorize the appointment of a surveyor for the lands in the northern part of the Mississippi Territory, and the sale of certain lands therein described, was read a third time, and the blanks were filled.

Resolved, That this bill pass, and that the title thereof be "An act to authorize the appointment of a surveyor for the lands in the northern part of the Mississippi Territory, and the sale of certain lands therein described."

The bill authorizing vessels departing from the town of Bayou St. John and basin of the Canal de Carondelet, for foreign ports, to clear out at the custom-house, in the city of New Orleans, was read a third time, and passed.

The bill in addition to an act, entitled "An act for the more convenient taking of affidavits and bail in civil causes, depending in the courts of the United States," was read a third time, and passed.

The bill to divide the State of Pennsylvania into two judicial districts, was read a third time, and the blanks having been filled, the bill was amended by unanimous consent.

Resolved, That this bill pass, and that the title thereof be "An act to divide the State of Pennsylvania into two judicial districts."

The bill for the relief of the legal representatives of John J. Yarnall, deceased, was read a third time, and passed.

The bill entitled "An act supplementary to an act entitled 'An act concerning the Naval Establishment,'" was read a third time, and passed.

The bill entitled "An act for the relief of Park Holland," was read a third time, and passed.

The bill entitled "An act relating to the ransom of American captives of the late war," was read a third time, and passed.

Mr. BARBOUR, from the Committee on Foreign Relations, to whom was recommitted the bill entitled "An act more effectually to preserve the neutral relations of the United States," reported it with amendments; which were read.

The Senate resumed the consideration of the motion of the 17th instant, for instructing the Committee on Military Affairs to report a bill to reduce the Military Peace Establishment of the United States; and, on motion by Mr. WILLIAMS, the consideration thereof was further postponed to, and made the order of the day for to-morrow.

The Senate resumed the consideration of the bill authorizing a subscription for an additional volume of the Laws of the United States, and for the distribution thereof; and the bill having been amended, it was ordered to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to authorize the State of Tennessee to issue grants and perfect titles on certain entries and locations of lands therein described, together with the amendments reported thereto by the select committee; and on motion by Mr. BROWN, the further consideration thereof was postponed until to-morrow.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to amend the act authorizing the payment for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes, passed the ninth of April, 1816," together with the amendments reported thereto by the select committee.

Mr. VARNUM was requested to take the Chair, and the amendments having been agreed to, the PRESIDENT resumed the Chair; and the bill was reported to the House accordingly. And, on the question, "Shall the amendments be engrossed and the bill read a third time as amended?" it was determined in the affirmative.

The PRESIDENT communicated a report of the Acting Secretary of War, made in compliance with a resolution of the Senate, of the 22d instant, "requesting him to lay before the Senate the probable amount of the claim of the State of Maryland, for militia services during the late war, and such information as he may be in possession of on that subject;" and the report was read.

The Senate resumed, as in Committee of the Whole, the consideration of the bill entitled "An act making appropriations for the support of Government for the year 1817;" and after progress, the further consideration thereof was postponed until to-morrow.

A message from the House of Representatives informed the Senate that the House have passed a bill entitled "An act directing the transfer of unclaimed pensions, and limiting the payment at the Treasury only;" a bill entitled "An act to amend the act, entitled "An act granting bounties in land and extra pay to certain Canadian volunteers,' passed 5th March, 1816," a bill entitled "An act making an appropriation for opening and cutting out a road therein described;" also, a bill entitled "An act for the relief of certain officers;" in which bills they request the concurrence of the Senate.

The four bills last mentioned were read, and passed to the second reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An

act freeing from postage all letters and packets to and from James Madison;" and no amendment having been made thereto, the PRESIDENT reported it to the House, and it passed to a third reading.

Mr. WILLIAMS asked and obtained leave to bring in a bill compensating Peter Hagner; and the bill was read, and passed to the second reading.

Mr. WELLS presented the petition of Isaac Briggs, praying relief in the settlement of his accounts, as surveyor of the lands of the United States south of the State of Tennessee; and compensation for exploring and ascertaining the topography of a post route from Washington City to New Orleans, as stated in the petition; which was read, and referred to the Committee of Claims, to consider and report thereon by bill or otherwise.

Mr. RUGGLES presented the petition of Enoch Barnum, praying a pension, for reasons stated in the petition; which was read, and referred to the Committee on Pensions, to consider and report thereon by bill or otherwise.

Mr. RUGGLES also presented the petition of Alexander Patterson, of Jefferson county, in the State of Ohio, who was a second lieutenant in the Army of the United States, during the late war with Great Britain, praying relief in consideration of his having been severely wounded while in the discharge of his duty, as stated in the petition; which was read, and referred to the Committee on Pensions to consider and report thereon by bill or otherwise.

TUESDAY, February 25.

A message from the House of Representatives informed the Senate that the House have passed a resolution for the appointment of a joint committee to examine and report to their respective Houses what business is pending before them, and what is indispensable to act upon previous to their adjournment, and have appointed a committee on their part; in which they request the concurrence of the Senate.

The resolution last mentioned was read three times by unanimous consent, and concurred in, and Mr. WILSON and Mr. TAIT were appointed the committee on their part.

The PRESIDENT communicated the general account of the Treasurer of the United States from the 1st of April, 1815, to the 1st of January, 1816, as also the accounts of the War and Navy Departments, from the 1st of October, 1815, to the 1st of October, 1816, together with the reports thereon; which were read.

Mr. ROBERTS, from the Committee of Claims, to whom was referred the petition of Frederick Folley, made a report, together with the following resolution:

Resolved, That the prayer of the petitioner be disallowed.

Mr. WILSON submitted the following resolution, which was read:

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Secretary of the Senate, and Clerk of the House of Representatives, be directed, in making any future contract for the printing of Congress, to stipulate and require that the same, excepting only the bills, or when otherwise specially directed by either House, shall be done in a royal octavo form, the size of the pages to be the same as those of the late edition of the Laws of the United States; and that when any table will not admit, with the use of the smaller type, of compression into that size, they shall be so printed as to fold conveniently into the volume.

Ordered, That it pass to the second reading.

Mr. TAIT, from the Committee on Naval Affairs, to whom was referred the bill, entitled "An act making appropriations for the support of the Navy of the United States, for the year 1817, reported it without amendment.

Mr. WILLIAMS, from the Committee on Military Affairs, to whom was referred the bill, entitled "An act respecting the pay and emoluments of certain officers of the Army of the United States," reported it without amendment.

Mr. WILLIAMS, from the same committee, to whom was referred the bill, entitled "An act to amend an act, entitled 'An act making further provision for military services during the late war, and for other purposes," reported the same with an amendment; which was read.

Mr. ROBERTS submitted the following resolution; which was read, and passed to the second reading.

Resolved, That Robert Tweedy, Tobias Simpson, and George Hicks, assistants to the Sergeant-at-Arms and Doorkeeper of the Senate, be paid, out of the contingent fund, two dollars a day for each day they may have attended the Senate during the present session of Congress; and that Charles Tims be allowed one hundred dollars for his attendance during the present session.

Mr. CHACE presented the memorial of Nathaniel Cutting, praying a grant of a tract of land in the reservation of military bounty lands, in consideration of his long and faithful public services; and the memorial was read, and referred to the Committee on the Public Lands, to consider and report thereon by bill or otherwise.

The bill authorizing a subscription for an additional volume of the laws of the United States, and for the distribution thereof, having been reported by the committee correctly engrossed, on motion by Mr. VARNUM, the further consideration thereof was postponed until to-morrow.

The amendments to the bill entitled "An act to amend the act 'authorizing the payment for property lost, captured, or destroyed by the enemy, while in the military service of the United States, and for other purposes,' passed the ninth of April, 1816," having been reported by the committee correctly engrossed, the bill was read a third time as amended, and passed with amendments.

The Senate resumed the consideration of the report of the Committee on the Post Office and Post Roads, who were instructed, by a resolution of the Senate, to inquire into the expediency of increasing the compensation of the postmaster at Newark, New Jersey. Whereupon,

Resolved, That it is inexpedient to increase the compensation of the postmaster at Newark, in New Jersey.

The bill entitled "An act freeing from postage all letters and packets to and from James Madison," was read a third time, and passed.

The bill to incorporate the subscribers to certain banks in the District of Columbia, was read the second time.

Mr. MASON, of Virginia, submitted sundry statements of the situation of the affairs of those banks: and, on his motion, the further consideration of the bill was postponed to, and made the order of the day for to-morrow; and the statements ordered to be printed for the use of the Senate.

Mr. WILLIAMS, from the Committee on Military Affairs, to whom the subject was referred, reported a bill for the relief of the heirs of William B. Carter; and the bill was read, and passed to the second reading.

The bill giving the right of pre-emption in the purchase of a tract of land in the reservation at the lower rapids of Sandusky, was read the second time.

The bill authorizing a subscription for the printing of the tenth volume of public documents, was read the second time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill entitled "An act to set apart and pledge as a permanent fund for internal improvements, the bonus of the National Bank, and the United States' share of its dividends."

On motion by Mr. CAMPBELL, the consideration thereof was further postponed to, and made the order for to-morrow.

The bill to establish post roads was read the second time.

The bill to prevent the discontinuance of the business of the Supreme Court in certain cases, was read the second time.

The bill compensating Peter Hagner was read the second time.

The bill entitled an act to amend an act, entitled "An act granting bounties in land and extra pay to certain Canadian volunteers," passed 5th March, 1816, was read the second time, and referred to the Committee on the Public Lands, to consider and report thereon.

The bill entitled "An act for the relief of certain officers," was read the second time, and referred to the Committee on Military Affairs, to consider and report thereon.

The bill entitled "An act making an appropriation for making and cutting out a road therein described," was read the second time, and referred to the committee to whom was referred so much of the Message of the President of the United States as relates to roads and canals, to consider and report thereon.

The bill entitled "An act directing the transfer of unclaimed pensions, and limiting their payment at the Treasury only;" was read the second time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act making appropriations for the support of Government for the year 1817; and after further progress, on motion by Mr. TROUP, the further consideration thereof was postponed to, and made the order of the day for to-morrow.

Mr. WILSON submitted the following motion for consideration:

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of increasing the pension of Randolph Clarkson.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to authorize the State of Tennessee to issue grants and perfect titles on certain entries and locations of lands therein described, together with the amendments reported thereto by the select committee, and, on motion by Mr. STOKES, the further consideration thereof was postponed until to-morrow.

MILITARY PEACE ESTABLISHMENT.

The Senate resumed the consideration of the motion of the 17th instant, for instructing the Committee on Military Affairs to report to the Senate a bill to reduce the Military Peace Establishment of the United States; and the same having been amended, by leaving the number a blank, by striking out the word "five," and inserting after "engineers," in the last line "and of topographical engineers;"

Mr. BARBOUR moved the postponement of the resolution to the 4th of March next.

I cannot forbear (Mr. B. said) to express my surprise that a measure of such importance should be brought forward at the very termination of the session, when it is palpable the few remaining days will be entirely insufficient for the ordinary but indispensable business of legislation.

Has any event occurred whose effects have placed this subject on a footing different from that on which it stood at the commencement of the session? If it has, let us hear it, if not, how will the gentleman account for the delay? How has it happened that he has not brought it before the Senate at an earlier period, when it might have received that full discussion and deliberate decision in both branches of the Legislature which its importance, and I will add a respect for the Army itself, imperiously required. It is known to you also, Mr. President, that the other House has already refused to consider this subject. No beneficial end can result from a further consumption of time in discussing it, and hence I have made the motion just submitted. Not having intended to take any part in the debate today, on the merits of the question of disbanding the Army, I feel a reluctance in involving myself in the discussion, particularly when I know how formidable is my antagonist, and when I perceive, too, that he has armed himself at all points with dates, and facts, and calculations, to sustain him in his onset; yet, seeing no other gentleman about to rise, I cannot remain silent, and permit his remarks to be entirely unanswered.

The honorable gentleman commences by de-

claring that standing armies are incompatible with the theory of the Government and the feelings of the people. It is true, sir, when they are unnecessarily kept on foot, and from their extent, are calculated to excite just apprehensions, that they may be turned against the liberties of their country. This sentiment I feel as strongly as any man in the Republic, and would most zealously, were it necessary, cherish its growth. But it is not, sir; it is as old as the hills, derives strength from the uniform and disastrous result in every nation which has been unfortunate and improvident enough to try it, and has become a settled axiom in the creed of every republican. But can it be seriously said, when reference is had to the vast and almost boundless extent of our territory, and the state of the world in general, and our own particular relations especially, that the small Army we have is either unnecessary or in any degree dangerous to liberty? Sir, when our military force is divided among the various garrisons, scattered from Maine to Orleans, he must indeed be most easily affrighted who sees anything in such a force unfriendly to our free institutions.

The gentleman, indeed, says that the regular increase of our Military Establishment furnishes just cause of alarm. Is not this the inseparable concomitant of extended empire, and the vast expansion of our affairs?

At the commencement of our Government, our revenue did not exceed $3,000,000; the last year it was but little short of $50,000,000. Our territory has been more than doubled, our population quadrupled, and our resources, individual and national, multiplied in a ratio which almost eludes calculation. What would have been excessive then, is moderate now. Then we were the infant Hercules, rocked in his cradle; now we are the full-grown man, successfully contending with the fifty-headed hydra.

The gentleman tells you his measure, if successful, will diminish your expenditures, and consequently your taxes—popular language generally. But a wise Government, exercising a prudent foresight, and fulfilling the just expectation of a free and enlightened people, will encounter a present sacrifice for a commensurate future good. I think, however, the gentleman's calculations are entirely erroneous as to the reduction proposed. The real amount necessary to keep up the present establishment, is not as is represented upwards of $6,000,000—it does not exceed between $3,000,000 and $4,000,000. The error results from the blending expenses for other objects with the support of the Army. Arsenals, fortifications, arms, munitions, &c., ought not to be charged to the Army; it is not compatible with fair argument so to do; and yet it is by this mode of calculation the gentleman is brought to this result of $6,000,000 or $7,000,000. Whatever may be the deduction, the saving will not be in proportion to the number dismissed of an army. As it is necessary for even the skeleton of an army to have a staff of considerable extent, the saving could not exceed $1,500,000. But let the cost or the saving be what it may, if the present force be necessary, it must be kept up. That it is necessary, I proceed to show. You are surrounded, to say nothing of numerous warlike tribes of Indians, by two powerful neighbors. We are, it is true, at peace with both. With one no serious difficulties exist, and I therefore pray that the existing peace may long be maintained; with the other it cannot be disguised that there are subjects of controversy of no small importance. When I speak of Spain as a powerful nation, I do not mean to convey the idea that she is so, of herself; far from it. In a contest between her and the United States, boasting apart, I should be far from appreciating very highly a victory over her by sea or land. But should it so happen that a powerful nation, Great Britain for example, were to unite with her, and make it a common cause, she, from that circumstance, would be justly entitled to the character of a powerful nation. That Great Britain would so unite, seems probable. I do not mean to sport with her character; yet, speaking with the freedom of history, there is no difficulty in saying that she never permits a war to be waged, no matter where or about what, without becoming, if not a principal, at least an ally.

I am far from saying that there is a probability of war with Spain; on the contrary, I hope that the councils of Spain, directed by moderation, integrity and wisdom, will remove the causes of discord which at this time unhappily separate us. But if other views should be entertained, the United States can feel no difficulty in joining in any contest which it may be the pleasure of Spain to produce. I, for one, am free to admit that I augur nothing favorable from the omens of the time. What has the Spaniard proposed? The cession of half your Empire; for such in effect will be the result of establishing the Mississippi as the boundary. Nay, if he means anything, his pretensions are still more audacious. He proposes the principle of *uti possidetis* in 1792, and suggests this with the more confidence as it was the principle assumed by the crowned heads of Europe. Why mention the one or the other? I abjure both their authority and example. But what imparts the most importance to this subject, is, that this proposition comes from Spain. Can this be her own language, or is she speaking as prompted by another? Is her presumption the effect of her ignorance of our character, or is she emboldened by assurances of support? Is it impossible that Great Britain may have told her that the whole force of her Empire is at her service, should war ensue between us? As to our course, it is unimportant what are her motives or what her object. Let us be ready, whatever may be the direction this unpleasant subject is destined to take. Can this be the fit time to disband our Army? Is a disbanded army the instrument of negotiation, with which you mean to arm your Minister? Would Talleyrand ever have been dubbed a prince for his adroitness in diplomacy, if he had not been supported by fifty thousand bayonets, directed by the most extraordinary ge-

nius which the world has ever seen? Are the Senate sincere in wishing peace? Its continuance can be preserved only by being ready for war. This is a precept left as a legacy by the Father of his Country; which, together with many other no less instructive lessons left by him, might be beneficially read by modern politicians. We have not only this strong sanction to the propriety of the doctrine, but it results from daily observation. It applies equally to individuals and to nations. He who is prompt to resent an insult, and ready to punish it, usually escapes a wanton aggression. When France was governed by the imperial sceptre, how lasting might have been her peace, but for the restless spirit of her chief! How was every word and every act, towards her, weighed in the scales of caution and of fear? Take the reverse of the picture: the passive subject of injury, the one or the many, it matters not, becomes a football, kicked about by cowardice itself. The honorable gentleman, however, treats lightly the possibility of any serious result to our differences with Spain, and considers the world as hushed into general and lasting repose. Whatever may be the result of our controversy, I beg leave to differ with him as to the repose of Europe. She reposes on combustible materials; the spark is all that is necessary to light up again the flames of war. It is not in the nature of things that Frenchmen can be content with their present condition. The restless aspiration of a Frenchman for the grandeur of his country; the thoughts of glory past, and present shame, will forever keep alive a galling recollection. In such a soil peace can never take root. The first favorable moment will be seized to break their fetters. And France has already given tremendous proofs of the power of a recently regenerated nation. I affect not the spirit of prophecy; nor should I have ventured to indulge a conjecture as to the future, had not the example been furnished me by the honorable gentleman. But, independently of the course of events abroad, there is one consideration which I wish to press particularly on the mind of the Senate; it is, that the present establishment, considering the discipline of the troops, but still more the military talents and experience of the officers, is a most invaluable possession. It is a nucleus around which, should there be occasion, an army, to any extent our exigencies might require, could be immediately formed. A short time only would be necessary to impart the discipline of the old to the new army. Rumor ascribes the victory of Napoleon at Leipsic, to his dispersing his veterans through his battalions of fresh recruits. They gave confidence to their associates; became their guides, and led on to victory. But the honorable gentleman tells you that a peace army is worse than useless; that they sleep for years together, and at the commencement of a war are entirely unfitted for the field. He is led to this result from our own experience during the last war, and also from the fall of Prussia.

The officers of the Peace Establishment are not among those, he says, who distinguished themselves during the war. I totally differ from the gentleman, both as to his facts and inferences. It cannot be true that the superior officers of our Army, to whom this country owes so much, have betrayed the high trust reposed in them by suffering a state of things so disgraceful to the service. No, sir, we are told that they are usefully employed in constructing military roads, barracks, fortifications, &c.; nor have I heard a suggestion, before, that they have been in the least inattentive to the discipline of their troops. The names of Gaines, of Scott, of Macomb, of Pike, and numerous others, will cancel the charge of the honorable gentleman against the officers of the Peace Establishment. As for the example of Prussia, it is singularly unfortunate for the argument of the gentleman. Prussia, by her continually keeping on foot large armies, rose from a small German principality to rank, if not among the first, certainly the second rate Powers of Europe. As to her fall, it excited no surprise at the time. The conflict was too unequal; she fought single-handed with the conqueror of Austria and of Russia, and in the moment he was flushed with victory; her fate was common to the surrounding nations, the whole of which had prostrated themselves at the footstool of Napoleon's throne. Disband your army, what becomes of your officers? As military men, lost to their country; a loss, Mr. President, of no ordinary kind; not easily replaced. It is more difficult to raise than to disband an army. Pen, ink, and paper, will do the business of the last, but no man in the Senate can better tell the difficulties of raising it than yourself. The history of the last war contains a volume of wisdom on this subject. Courage, I mean political, zeal, devotedness to country without regard to personal consequences, perseverance—these are the essential qualities in the legislator who takes upon himself the arduous task of raising an army, and taxes to support them. You know too well to make it necessary for me to repeat it, how eagerly faction or demagogues seize and turn this subject against their author.

The gentleman recommends the reduction of the Army, and that the savings may be appropriated to the Navy—our national defence. Sir, I entirely concur in the sentiment that the Navy is the strong arm of our defence. Nor is there a man, in the nation, not even the honorable Chairman, upon that subject, whose zeal for its encouragement is greater than mine. Sir, we owe the successful efforts of our Navy eternal gratitude. They not only made the enemy feel a portion of those wrongs they had so long inflicted on us with impunity, but, while they acquired lasting renown to their country, they gained for the Navy, I hope, an imperishable popularity. But let the friends of the Navy beware against this seductive promise. Let them remember, when the work of destruction begins, it may not stop with the Army, but involve both Navy and Army. Sir, I stated when I first rose, that I did not think, that the manner in which this subject had been brought forward, was, to say the least of it, at all respectful to the Army; to whose

feelings I must think we owe something; and that it does not become Congress to treat them as a grazier does his cattle—so many to be slaughtered to-day, as many more to-morrow, while the balance may be permitted to remain until the ensuing year. There was a time when the feelings of this nation towards the Army were essentially different. It is a little more than two years ago when I arrived in this place to take my seat. For the first time I saw the Capitol of my country smouldering in its ruins, the torch having been applied, I must say, by a ferocious enemy. I found you most anxious and deeply interested for the fate of New Orleans; we saw in the desolation of the Metropolis her destiny, were the enemy successful. A city given up to rapine, to lust, to conflagration, and to all the unutterable horrors of unrestrained warfare, haunted the imagination. The glad tidings of victory were at length communicated. With a profound penetration of the protecting hand of Providence, was united a most affectionate regard for our deliverers. From every patriotic lip were uttered simultaneous thanks to the brave army of New Orleans, and to the courage and genius which directs it. What language can describe our emotions when tidings came of our victory at Niagara?—of the prodigies of valor displayed by our army at Erie, both in the attack and in the repulse, or of the victory on both elements at Plattsburg? We felt then gratitude to the heroes of those scenes. Has it already passed by? are their distinguished services to be so readily forgotten? are they so useless in our esteem that they are to be dismissed without discussion or without deliberation? Sir, if their services have really become unnecessary, let them be dismissed, but let it be graciously done. Such is my confidence in the highmindedness of those men, that I am sure they would be the last to wish to continue and hang like drones on society, were it prudent to disband the Army. Sir, I frequently hear prognostics of perpetual peace. I am not one of those anticipators of such halcyon days. I know of nothing which justifies our acting on such an anticipation. Why can we rationally calculate on an exemption from those calamities, which have been the lot of every people in all ages of the world? Such hopes have a seductive effect, and are calculated to paralyze effort. For one, I indulge them not; on the contrary, I shall be guided by the lessons of experience, though bitter to the taste; and, estimating, as I do, our liberty and peace, as jewels of inestimable price, I shall submit, without repining, to the sacrifice which their preservation may require. One word more, and I have done. I cherish with ardor the old republican principle, that a well-ordered militia, I mean by that disciplined and armed, is an instrument of defence the most natural for freemen. But have we at this time such an organized militia? In addition, do you not know that it has been strenuously contended for, and is to this day in certain sections of the Union, that the General Government is not authorized to call out the militia without the consent of the State authorities? It is not my doctrine; it is one I entirely abjure, both in theory and practice; yet it exists. Let us, then, not strip the Government of the force it may command, until by law we have enabled it to command what, I repeat again, is the natural defence of freemen. The postponement of this subject for a year cannot be very improvident; otherwise this measure must have been brought forward at an earlier day. At the next session we may see our way more clearly, and adapt our course to the suggestions of our best judgments, enlightened by a deliberate reflection, acting on existing circumstances. I repeat again, that I did not design to have said a word on the subject under consideration, and have risen only from a sense of duty, without doing justice, I fear, to the subject, or myself. I console myself with the reflection, that the wisdom of the Senate will compensate for every defect of mine.

Mr. BROWN, of Louisiana, expressed his surprise that the resolution now under consideration had not been offered to the Senate at an earlier period of the session. The facts now relied on as motives for the reduction of the Army, have long been in possession of the Senate. The number of men in service, the manner in which they have been stationed, and the expense of the Military Establishment, have some time past been communicated to Congress by the acting Secretary of War. To what cause, therefore, are we to attribute the delay in submitting this resolution? In a very few days the present Congress must adjourn. A great deal of important business presses upon the two branches. Committees have, with great labor, prepared reports and bills, and, unless we now act upon them, the laborious task of re-examining the same subjects must devolve upon other committees at the next session. Time is now too precious to be spent in the examination of a question so important as the one now under consideration; especially when it is most probable that no bill, growing out of this resolution, can pass during the present Congress. I, therefore, heartly approve of the motion made by the honorable gentleman from Virginia, (Mr. BARBOUR,) and hope that this resolution will be indefintely postponed.

As soon as the Treaty of Peace was ratified, the attention of Congress was directed to the reduction of the Army, and to the formation of a permanent Peace Establishment. A bill, having in view these objects, originated in the House of Representatives. It appeared to be generally admitted, that a large standing army, in time of peace, was expensive, unnecessary, perhaps dangerous. It was also generally admitted that some regular force was necessary to build and keep in repair our barracks, fortifications, and arsenals; to preserve our arms and munitions of war; to retain those valuable principles of military discipline, acquired by our own experience in the late contest, and to sustain the first shock, in case we should be invaded by a foreign enemy. The precise amount of this force, was a question about which much difference of opinion might be ex-

pected, and accordingly, after various propositions to fill up the bill with a number differing from six to fifteen or twenty thousand, the bill came to the Senate fixing the Peace Establishment at six thousand men.

The Senate having obtained from the Secretary of War the information believed by them necessary to form a correct opinion, and having fully discussed and maturely considered the subject, so amended the bill as to leave the Peace Establishment at fifteen thousand men, and sent it to the House of Representatives for their concurrence in the amendment. That House adhering to the original bill, a committee of conference from the two branches met, and, after much discussion, agreed that the number should be ten thousand; and the two Houses assenting, the bill passed in that form. I refer to these proceedings, Mr. President, in order to prove that the present Peace Establishment was not hastily or inconsiderately adopted, but was made a subject of minute attention and close investigation in both branches of the Legislature. It has been in existence nearly two years. Has it been complained of by the people as unnecessarily large? Have instructions from State Legislatures required that it should be reduced? Nothing of the kind has happened. If any complaints have been heard, they have been that the Army was reduced to so small a number, that it was apprehended we might lose those principles of military discipline acquired during our late war. I do not recollect to have heard a single citizen express his opinion in favor of a further reduction of the Army; many have I heard expressing their regrets that fifteen thousand had not been retained in service. I am, therefore, fully convinced that if we now reduce the Army we shall not have done so in conformity with any expression of public opinion on that subject.

Has any change taken place in our foreign relations, calculated to recommend the adoption of this resolution? With a view to meet this question, my honorable friend, the chairman of the Military Committee (Mr. WILLIAMS) has called for the correspondence between the Government of the United States and the agents of His Catholic Majesty. Mr. B. then proceeded to examine that correspondence, and remarked upon the propositions made on the part of Spain, which appeared to him extravagant and unreasonable. The object of Spain was evidently delay—procrastination. To every frank proposal made by our Government, the representative of Spain replied by complaints of the conduct of the citizens of this country, in many instances founded on the assumption of facts which had no existence, except in the minds of those who abused his confidence by the most shameful misrepresentations. When we propose the acknowledgement of our limits from the Perdido to the Rio del Norte, we are met by a proposition to accept the *uti possidetis* of 1763, as the basis of the negotiation. When we urge our claim for spoliations on our commerce, committed by privateers fitted out in the ports of Spain, we are told of large armies collected in Tennessee and Kentucky, completely officered and ready to overrun His Catholic Majesty's dominions in New Spain; and we, who well know that the armies alluded to have never existed, are requested to cause them to be dispersed. When, with the most conciliatory intentions, we propose to give that interesting country between the Rio Colorado and the Rio del Norte, which I think unquestionably belongs to us, in exchange for the sandy deserts of the Floridas, the Minister answers, that what we offer to give in exchange already belongs to His Catholic Majesty; that his instructions do not authorize him to make an exchange; but that if an offer of the greater part of the State of Louisiana in exchange for Florida is made, he will recommend the subject to the consideration of the Spanish Government. From this and other views, which he took of the negotiations, Mr. B. expressed his apprehensions that the affairs in dispute with Spain were not in a train of amicable negotiation. He was afraid we should pursue the correspondence, as we had done that with Great Britain, until it had ended in war. He feared the sword would be resorted to for the settlement of our disputes with Spain. The flag of the United States must designate—their forts defend our limits. And, in case of such an event, can we find an excuse in the weakness of Spain, for disbanding or reducing our regular army, and leaving this contest to be decided by our militia? We ought to recollect, that, after going to war with Spain, we may be forced to make peace with one or more of the allied Powers. The intimacy of the connexion, which binds the Sovereigns of Europe together, may be stronger than is generally believed. It did appear to him, that, in such a state of things, common prudence, or ordinary foresight, a judicious regard for the security of the country, forbid us to adopt the resolution now before the Senate.

Mr. President, it has been said that our Army is more expensive, in proportion to its number, than that of any other country. If abuses of any kind exist in our Military Establishment, let them be corrected. If expenses have been uselessly incurred, let those expenses be curtailed. The power of reducing, within just limits, the expenses of the Army, as much belongs to Congress, as the power of reducing the number of men in the ranks; and in every reasonable measure, having this for its object, I shall cheerfully co-operate with the honorable gentleman from New Hampshire; but I cannot concur with him in the remedy proposed by his resolution. Can it be seriously contended, that this nation is unable to support an army of ten thousand men? Shall we publish to the world, that the American people are incapable of sustaining the expense of a Peace Establishment, so very inconsiderable? Has our revenue since the peace proved less productive than we expected? Or has it transcended, in amount, our most sanguine expectations? Why is the weight of this Army felt, and the impossibility of supporting it urged, for the first time, at this session, and under circum-

stances when we are least prepared to expect it? That a time of peace should be employed in preparing for war, is a truth which we have often heard from the lips of experienced statesmen, but the value of which was never more justly appreciated than during our late struggle with Great Britain. The disasters attending our arms; the ravages committed in different sections of the country; the expenses which attached to all our military operations; were generally attributed to that want of preparation, which was visible in everything connected with the war. How many unavailing regrets were expressed, that we had wasted the precious moments of peace, and that we had not prepared for war! It is devoutly to be wished, that the severe, but salutary, lessons we have received, may have produced permanent effects; and that, taught by the past, we may act with more foresight and wisdom in future.

The honorable gentleman has observed, that our troops are entirely useless in times of peace. Had this resolution been offered sooner, a better opportunity would have been afforded of testing the accuracy of this observation. I have, Mr. President, been informed by a highly respectable officer, who has lately visited the military stations at Plattsburg, Sackett's Harbor, Niagara, and Detroit, that our soldiers at all those positions were laboriously employed on the barracks and forts, and in other pubic labors, of important character and of permanent utility. I have every reason to believe that, in other positions, the soldiers are employed in a manner equally useful to the country; and when it is considered that these troops are occupied in doing the same work at five dollars a month, which if done by hirelings, in those remote positions where laborers are few, would perhaps cost thirty dollars, the argument founded on the expense of the Military Establishment loses much of its force. Roads through the lands of the United States, connecting the garrisons with the settlements, will have the effect of facilitating the supplies of the troops, and at the same time of accelerating the sales and enhancing the price of public lands. I might here enlarge upon the valuable purposes to which an army of ten thousand men might be applied, under the direction of patriotic officers and an enlightened Administration; but I forbear, because every moment of the time of the Senate is now precious, and because I hope, that, by postponing this resolution indefinitely, we shall, in another year, be furnished with reports and plans which will realize all my expectations respecting the manner of employing the troops of a free people in a season of profound tranquillity.

It has been argued, that the money expended on the Army might be employed to more advantage in augmenting our naval force. I concur with the honorable gentleman from New Hampshire in the opinion he has expressed on the importance of a respectable navy; but I believe that our means are adequate, not only to the support of our present army, but also to an augmentation of our navy, as rapid as the dearest friends of that species of defence can desire. Firm in this persuasion, I am not disposed to diminish or destroy the one, in order to contribute to the premature growth of the other.

We have been told, that standing armies in time of peace are dangerous to the liberties of a free nation. That large standing armies, in times of tranquillity, have been considered by our ancestors, and are justly considered by us, as dangerous to liberty, I readily admit; and of such armies I shall never become the advocate. But can this salutary dread of large standing armies ever attach to the very small army to which the proposed reduction is intended to apply? It would seem impossible that any individual can for a moment, really feel any such alarm. Large armies, composed of mercenary troops, when stationed amongst a people ignorant of their rights, forbidden the use of arms, or, what is nearly as bad, ignorant of the use of them, are formidable—irresistible—but the Army of our country is generally composed of its native citizens, and commanded by officers whose courage and fidelity have been proved in the field, and rewarded by the gratitude of the nation. This army is divided and stationed in garrisons along the Atlantic coast, from Maine to St. Mary's, and on the west from the Lakes to New Orleans. Our citizens are well informed, and jealous of their liberties; every where armed, and acquainted with the use of arms. Can such an army conceive designs against the liberty of their country? Can such an army, so dispersed and distributed amongst so many distant stations, afford any just cause of alarm, or even jealousy, to a population of more than one million of freemen, such as I have described? I recoil from the ungenerous suspicion. It does equal injustice to the citizen and the soldier. But I dwell too long on the subject, and shall now take my seat, with an expression of my sincere wish, that our Military Establishment may be permitted to remain unchanged, until time shall have fully developed its utility.

Mr. MASON, of New Hampshire, in reply to Mr. BROWN and Mr. BARBOUR, observed that he had already explained the reason why the resolution had not been submitted to the Senate earlier in the session; that the objection to acting on this subject, made by the honorable gentleman from Virginia, (Mr. BARBOUR,) would apply with equal force to a great portion of the business before the Senate, as much of it had been brought forward since this resolution: that there was no subject before Congress of greater importance to the nation; and that, if the resolution was adopted, there would be sufficient time for maturing the bill that must be brought in, which would need but few details.

Mr. M. said, the same honorable gentleman has been pleased to express doubts of the accuracy of the statement I have made of the amount of the yearly expenses of the present Military Establishment. That statement was taken from the report of the Secretary of the Treasury for the present year. If incorrect, the official documents must be erroneous. The statements of the military expenditure of former years were derived from a

similar source. That a part of the present expenditure was for fortifications and ordnance stores is admitted. This was also the case with the expenditure of former years; and, it is believed, to as great an extent, in comparison with the whole sum expended. The estimated expenses of building and keeping in service ships of war were taken from detailed estimates of the Secretary of the Navy.

It has been asserted that the increase of our revenue is equal to the increase of expenses in the Military Establishment. Were the fact so, no argument could be derived from it to justify those expenses, unless it can be shown that the Establishment, to its present extent, is necessary. But, in truth, our revenue has by no means increased in an equal ratio with our military expenditure. For the period of ten years, from 1800 to 1811, the military expenditure was little more than a million and a half of dollars yearly. The average revenue of that period was about thirteen millions a year. In one of those years, (1808,) the receipts from imposts alone exceeded sixteen millions of dollars. The excessive importations of the last year have increased the amount to be received this year beyond what may be expected in future. The Secretary of the Treasury estimates the receipts from imposts, for the next year, at only twelve millions; and the whole revenue from this and all other sources, that year, at sixteen millions two hundred and fifty thousand dollars only. His expectation is, that the imposts will in subsequent years be more productive, and that the permanent revenue may be estimated at twenty-two millions two hundred and fifty thousand dollars. It ought also to be recollected, that the national debt has, by the late war, been greatly increased—amounting, at the present time, to more than one hundred and ten millions of dollars—the payment of the interest and gradual reduction of the principal of which must be provided for. There is, therefore, no just proportion in the increase of the revenue and of the military expenditure.

The honorable gentleman from Virginia has gravely stated, as a reason for not reducing the Army at the present time, that the Dey of Algiers will not observe the treaty he lately made with our Government. If that or similar reasons should be deemed sufficient, the Army will never be reduced; for surely such reasons can never be wanting. As long as the barbarous Powers on the southern coast of the Mediterranean are suffered to exist, we shall always have cause for apprehending a rupture with some of them. But, of what possible use will the Army be in a contest with those Powers? Is it in the contemplation of any one to transport our Army into Africa, to lay siege to Algiers? It must be a naval force that shall, as it now does, restrain and curb those Powers.

But the great merits of the officers is the strong ground on which a reduction of the Army is opposed. An eloquent eulogy has been pronounced on the gallantry of the officers. Their meritorious services during the war give them, as is asserted, a strong claim on the gratitude of the country.

I have said nothing in derogation of their services or merits. That they are meritorious, seems to be admitted by all. But this, in my opinion, is no sufficient reason why they should be retained, if the country has no occasion for their services. Many officers were dismissed at the conclusion of the late war, some of whom were equally meritorious with those retained. If the officers have not been sufficiently remunerated for their services, make a suitable provision for that purpose. But, why should the country, for the sake of remunerating them, be compelled to keep up, at an immense expense, a Military Establishment twice as large as is necessary?

The highest praise of the Army of our Revolution was, that, when the country was restored to peace, and no longer needed their services, they cheerfully retired to the scenes of private life. This conduct forms the trait in the character of their illustrious Chief, which has excited the admiration of the world. In the attitude of surrendering his sword, and returning to the duties of a private citizen, the wisdom of the Government has determined he shall be represented by the pencil of the artist, as an example for the instruction and imitation of future generations.

Is it intended that the officers of the present Army shall be represented in the unfavorable contrast of importuning for pay and subsistence, when no services beneficial to their country can be rendered? Surely those gallant and high-minded men disdain to have any claim, in their behalf, rested on such ground. It is for those who opposed a reduction of the Army to show that its present number is necessary for the country, not that it is convenient to the officers. They can be rewarded, if indeed further rewards are merited or claimed, in a manner less expensive to the country, and equally honorable to them.

The question was then taken, and Mr. BARBOUR'S motion, to postpone to the 4th of March next, determined in the affirmative—yeas 24, nays 11, as follows:

YEAS—Messrs. Barbour, Brown, Campbell, Chace, Condit, Fromentin, Gaillard, Hanson, Howell, Hunter, King, Lacock, Mason of Virginia, Morrow, Noble, Roberts, Ruggles, Sanford, Stokes, Tait, Taylor, Troup, Williams, and Wilson.

NAYS—Messrs. Ashmun, Daggett, Dana, Goldsborough, Horsey, Macon, Mason of New Hampshire, Smith, Thompson, Tichenor, and Varnum.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to secure, in certain cases, the bounty in land to the heirs of deceased soldiers; and, after progress, the Senate adjourned.

WEDNESDAY, February 26.

Mr. TAYLOR, from the Committee on Public Lands, to whom was referred the bill entitled "An act to amend an act entitled 'An act granting bounties in land and extra pay to certain Canadian volunteers,' passed 5th March, 1816," reported it without amendment.

Mr. MASON, of Virginia, from the Committee on the District of Columbia, to whom was referred the bill, entitled "An act to authorize the extension of the Columbia turnpike road, within the District of Columbia," reported it without amendment.

Mr. WILLIAMS, from the Committee on Military Affairs, to whom was referred the bill entitled "An act for the relief of certain officers," reported it without amendment.

The Senate resumed the consideration of the motion of the 25th instant, for instructing the Committee on Pensions to inquire into the expediency of increasing the pension of Randolph Clarkson, and agreed thereto.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of Frederick Folley: Whereupon, *Resolved*, That the prayer of the petitioner be disallowed.

The resolution respecting the printing for Congress was read the second time.

The resolution to authorize the pay to the assistants to the Sergeant-at-Arms, and Doorkeeper of the Senate was read the second time, and considered as in Committee of the Whole; and the resolution was ordered to be engrossed, and read a third time.

The bill for the relief of the heirs of William B. Carter, was read the second time.

The engrossed bill authorizing a subscription for an additional volume of the laws of the United States, and for the distribution thereof, was read a third time; and, on motion, by Mr. VARNUM, the further consideration thereof was postponed until the 4th day of March next.

INTERNAL IMPROVEMENTS.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to set apart and pledge, as a permanent fund for internal improvements, the *bonus* of the National Bank, and the United States share of its dividends.

Mr. DAGGETT moved that the further consideration thereof be postponed until the fourth day of March next.

Mr. DAGGETT said, that before he attempted to discuss the merits of the bill, he would briefly state the substance of it, and also suggest a thought or two in reply to some of the observations of the honorable gentleman from Pennsylvania, (Mr. LACOCK. The bill proposes to set apart and pledge as a fund $1,500,000, to be received for granting a charter to the National Bank, and the dividends for twenty years on seven millions of stock in the bank, owned by the United States, for the purpose of constructing roads and canals and improving the navigation of water-courses. As the seven millions of stock was created by the United States to invest in this bank at the rate of five per cent. per annum, $350,000 must be annually raised by taxes towards this appropriation. The dividends will probably not be less than at the rate of eight per cent. per annum, and in that case will amount to $560,000. It is then a fair calculation that the whole amount thus pledged will be between twelve and thirteen millions of dollars. The bill contains none of the details for the construction, superintendance, or management of the works, or for the regulation of the expenditure of the money.

In answer to the remarks of the gentleman who had just sat down, that a great post road from Portland to New Orleans—that turnpike roads through all parts of our country, and that canals from Boston bay to St. Mary's, along the shores of the Atlantic, were objects of immense importance—Mr. D. said that he had no disposition to enter into any controversy on any of those suggestions. He however would remark, that this bill does not purport to provide for the establishment of such post road, but leaves it in the option of any State through which such road might be contemplated to prevent it. Nor is it admitted, as alleged, that such canals would be used for the transportation of commodities to and from the great commercial towns and cities in the United States. If canals were constructed according to the gentleman's ideas, the intercourse spoken of would, in all times of peace, be as it ever has been, by sea and not by inland navigation.

Having made these few remarks, he would point the attention of the Senate to some of the objections in his mind to the bill. 1st. It is not authorized by the Constitution; and, if it were, secondly, it is inexpedient. Mr. D. said that he should with much reluctance urge any objections arising out of the Constitution, for he had long since learned that the Constitution is made to change with the times. It was one thing yesterday—it is another to-day. It is to be enlarged as the nation increases in greatness and glory—it must yield to the pressing exigencies of the moment. He need not say there is no power in the Constitution expressly authorizing the Congress to construct roads and canals, and to tax the people to defray the expense. No one asserts the existence of such power. There is not a word upon the face of the instrument on the subject, except that it is declared, article one, section eight, that "the Congress shall have power to establish post offices and post roads." This, so far from authorizing the establishment by Congress of all roads, limits, if it bear at all on the point, the power to post roads only; otherwise it must be shown that an instrument which gives a special power over post roads, in terms, gives, by implication, a general power over all roads. Such absurdity should not be imputed to the wise men who framed this Constitution. The reverse of all this is unquestionably true. By sound rules of interpretation, the expression of one thing is the exclusion of another. The Constitution declares, "The Congress shall have power to provide for the punishment of counterfeiting the securities of the United States—to constitute tribunals inferior to the Supreme Court—to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions; to exercise exclusive legislation over ten miles square," &c. In the cases mentioned, is

not the Congress prohibited from providing for the punishment of counterfeiting private securities, from establishing tribunals superior to the Supreme Court; from calling forth the militia to garrison forts in time of peace; and from exercising exclusive legislation over the city of Baltimore? Again. The States, at the adoption of the Constitution, possessed the entire control over all the roads and canals within their respective limits. On this point there can be no doubt. Each State always has, and now does, exercise this power. Is it taken by the express prohibition? Certainly not. Is it taken by implication? Certainly not, unless the power is given to the Congress in such manner as to preclude the exercise of it by the States, and for such an idea no one contends.

Is there a power in the General Government over roads and canals, concurrent with the power of the States? If so, it may be asked, where are the limitations of these respective powers? Or have the Congress a sovereign authority, and is that of the States subordinate? The Constitution is silent on this subject—not so, where concurrent powers may be exercised. For example, in the tenth section of article first, it is provided that the States shall lay no imposts except such as are absolutely necessary for executing their inspection laws—they may not keep troops or ships of war in time of peace, nor engage in war unless actually invaded. It is within the province of the National Government to lay duties and imposts, to keep troops and ships of war, and especially to engage in war; yet these powers in the cases specified and with the limitations prescribed, are retained by the States, and may be exercised concurrently. In the eighth section of the first article, and in the second section of the second article, there are more striking examples of concurrent powers. To the Congress, the power is given of calling forth the militia in the cases therein mentioned, and to the President the power of being their commander-in-chief when in actual service. There is also reserved to the States the power of appointing their officers and of training the militia. There may be some questions as to the precise extent of the powers of this Government and of the States over the militia, but a concurrent power is manifestly established and attempted to be defined.

Mr. D. asked again, is this measure Constitutional, because Congress may provide for the "general welfare and common defence?" If so, then an enumeration of powers was wholly unnecessary, and is worse than useless; then there is no Constitutional limit to the powers of this Government, but the discretion of the Legislature; and, in truth, such is now a very prevalent opinion, if a judgment is to be formed from the manner in which power is claimed and exercised. The instrument may be termed "the sacred charter of our liberties—our polar star," and by many other pretty names, and at the same time be practically disregarded. Again, said Mr. D., all those internal and municipal regulations, of every description, which contribute to promote the strength and prosperity of the community, are provisions for the "common defence and general welfare." The Congress, then, may construct and support roads, bridges, and canals; regulate manufactures and agriculture; establish schools, academies, and colleges; enact wise laws for the suppression of sin—for the preservation of morals—for the punishment of all offenders, and thus assume all the powers of legislation. Then, indeed, our Union would be strengthened, as mentioned by the gentleman from Pennsylvania, (Mr. LACOCK;) our State authorities broken down, and our Government consolidated.

Will the power in question be claimed by that part of the Constitution which authorizes Congress to regulate commerce between the States? If so, to regulate commerce, means to promote, to facilitate, to secure it by all discreet measures, and the bill seems to have been framed in reference to such an exposition. Inspection laws are useful to promote commerce between States, and yet laws of this character have never been attempted by Congress; on the contrary, the States have the power, by irresistible implication, of enacting inspection laws, and there is an express power given to Congress "to revise and control them;" and this enumeration of that power strongly implies, that no other power over this subject is intended to be given.

It would be wise, in the opinion of many, that all promissory notes should be negotiable to facilitate commerce; and undoubtedly the whole law on the subject of inland bills of exchange is intimately connected with commerce; the buying and selling of slaves in one State, to be transported into another, is a portion of the commerce between States. Laws, then, may be made by Congress to control all these subjects. It may deserve much consideration, whether such a broad construction is not in the face of the Constitution, and especially of the tenth article of the amendments, which is in these words: "The 'powers not delegated to the United States by 'the Constitution, nor prohibited to it by the 'States, are reserved to the States respectively, 'or to the people."

It is said, however, that appropriations have been made, and roads laid out by Congress; and the Cumberland road and others are mentioned. Congress may undoubtedly make roads through the lands of the United States, not within the jurisdiction of any State, and the Cumberland road was established probably as a post road. Be that as it may, precedents of such doubtful character, and of such modern date, will not weigh much. The Constitution is not to be expounded by a single decision of the Legislature. It would scarcely be admitted by a majority of the Senate, that the Sedition law, as it is termed, was authorized by the Constitution, though it received the sanction of the judicial tribunals, as well as the Legislature; nor is it clear that the act to repeal the Judiciary law in 1803, would now be viewed as it was when passed.

It is further asserted that these roads and canals are to be constructed, and the expenditure made,

with the assent of the States, and thus the power of Congress, if doubtful, is confirmed, and the bill in question is drawn with this aspect. Mr. D. said, on this point he would ask one question: Can money be appropriated by Congress for an object over which it is not authorized to legislate, because the States assent? Or, in other words, can a law be made, with the consent of the States, which is not warranted by the Constitution? By the Constitution, the judicial power extends to all cases arising under the Constitution, &c. Can Congress, with the assent of the States, extend the judicial power to murders, felonies, and other offences committed in the States? Where would be found a judge rash enough to execute such a law? It is believed that the true doctrine is, that the Constitution is the shield of every individual in the nation, and that its powers can neither be enlarged nor diminished by the States, except by amendments made in pursuance of its provisions.

It may be added, that neither of the Presidents, Washington or Adams, ever proposed a measure of this character. The present Chief Magistrate has suggested it in one or more of his Messages, but always with doubts as to the propriety of an interference, without amendments to the Constitution. President Jefferson, in his communication to Congress in 1806, after exhibiting the condition of the Treasury, and thereby showing the large surplusses of revenue, proceeds to inquire whether the import duties should be continued, and thereby the overplusses be accumulated; and, if so, how they should be disposed of; and, on this subject, makes the following observations:

"On a few articles of more general and necessary use, the suppression, in due season, will doubtless be right; but the great mass of the articles on which impost is paid are foreign luxuries, purchased by those only who are rich enough to afford themselves the use of them. Their patriotism would certainly prefer its continuance and application to the great purposes of the public education, roads, rivers, canals, and such other object of public improvement as it may be thought proper to add to the Constitutional enumeration of Federal powers. By these operations new channels of communication will be opened between the States; the lines of separation will disappear; their interests will be identified, and their union cemented by new and indissoluble ties. Education is here placed among the articles of public care; not that it is proposed to take its ordinary branches out of the hands of private enterprise, which manages so much better all the concerns to which it is equal, but a public institution can alone supply those sciences, which, though rarely called for, are yet necessary to complete the circle; all the parts of which contribute to the improvement of the country, and some of them to its preservation. The subject is now proposed for the consideration of Congress, because, if approved by the time the State Legislatures shall have deliberated on this extension of the Federal trusts, and the laws shall be passed, and other arrangements made for their execution, the necessary funds will be on hand, and without employment. I suppose an amendment to the Constitution, by consent of the States, necessary, because the objects now recommended are not among those enumerated in the Constitution, and to which it permits the public moneys to be applied."

If, however, there were no objections arising from a want of Constitutional authority, Mr. D. said, that, in his judgment, the project was inexpedient.

No details are provided. What is to be the amount of interest in these various projects? Are co-partnerships with States or with individuals to be formed, and the profits divided? Or are boards of works to be established in all the States, with all the machinery of management incident to them, to be superintended by Congress? On all these points, and many others which might be suggested, the bill is silent; and the only answer we hear from the friends of the bill, to our inquiries, is, no details can be agreed on; should details be attempted, the bill would not be carried. Is this a sufficient answer? Before we proceed to grant away more than twelve millions of dollars, it is reasonable that the manner of expenditure should be pointed out.

The time also is not proper. A war has just terminated, leaving upon us a debt (with that which existed before) of one hundred and twenty millions of dollars. Our navigating and manufacturing interests are languishing, and no small portion of distress pervades many parts of our country. It is not, then, the prosperous moment to enter upon gigantic projects—it is not the time to expend millions on undefined objects.

It would be unwise, at any time, to pledge this great amount, and pledge it beyond the control of Government in any exigency of affairs. We are now at peace—we may soon be at war. Yesterday a proposition to reduce the army was rejected; and a strong reason urged was, that our relations with a nation bordering on our territory were in a disturbed condition. We all have a painful recollection of the state of our pecuniary resources during the years 1813, '14, and '15. We have now a full Treasury, and we speak of it as inexhaustible. Young men, coming to the possession of ample fortunes, deem their riches endless; they plan, build, improve, project, and boast, that "to-morrow will be as this day, and more also." The issue of such schemes we have witnessed. No private or public treasure is inexhaustible, without frugal and discreet management. Are we sure of the continuance of our resources? That derived from the land tax we can no longer look to; the other internal taxes will surely follow that on the land. A disposition is manifest to rid the nation of these vexatious taxes, and they will soon die, without a struggle or a groan. Our revenue from imposts is liable, at all times, to be seriously affected or cut off by a war. In such an event, will the people acquiesce in supporting burdens to construct roads and canals? The appropriation can be made by the next Congress; no part of the $1,500,000 will be received before its next session, and not more than one dividend. A change in the aspect of our affairs may occasion regret for this measure.

Many of the States have already expended large sums for the objects contemplated by this bill. The public is sufficiently accommodated. It is inequitable to burden such States with taxes,

for a system of internal improvements, not needed by themselves, because other States have neglected these objects.

The measure is inexpedient, because, upon the principles assumed in the bill, the United States may be defeated in the accomplishment of the proposed objects, by a refusal of the assent of the States. If this Government had not the power of controlling absolutely roads and canals, leave them with the competent authorities. If it has the power, it should be examined in a manner becoming the supreme authority, and not by bargains with States.

There is also not a little reason to apprehend, that this project will produce much discord. On the subject of roads and canals, much sensibility is entertained by the citizens of the several States. Each section of a State will have its favorite plan. The State Legislatures and Congress will be besieged with applications and remonstrances, and a wide door opened to intrigue.

In view of all these considerations, is it not a dictate of wisdom to pause before we adopt a measure so important, so doubtful in its expediency, so questionable as to its constitutionality?

Mr. HARDIN said: As the motion to postpone the bill until the 4th of March had not been made on account of any special reason, he could not see why the Senate should not now act on the subject; and as it would, if it prevailed, defeat the bill, it involved the merits of the subject, and to that he should turn his attention.

I was in hopes, said Mr. H., that this bill had been so framed as to render the discussion of the Constitutional question—how far Congress had a right to make roads and canals—unnecessary; but, since it has been urged in debate, I flatter myself that I shall be able to show that there is nothing in this bill, nor in the measures it contemplates, which will violate the Constitution.

From the general organization of our institutions, we are naturally led to look to the General Government for support and protection as to those matters which relate to our national rights; and to the States for those which relate to our individual or social rights. In questions which involve the rights of one State or its citizens, in confliction with the claims of another State, or the citizens thereof, it is the General Government which is to decide these matters. To this end has the Constitution given jurisdiction to the courts of the United States in controversies between different States, or the citizens of different States. We have a right, therefore, to contend, that from the general tenor of the Constitution, whenever there are rights which the State, as a State, cannot cherish or protect, without coming in collision with a sister State, the General Government has a right to interfere and to extend its aid.

In relation to the intercourse between different States, it may frequently happen that two States, interested in promoting it, cannot succeed, owing to the want of co-operation, or of the permission of an intervening State; for example, the State of Ohio and the western parts of Pennsylvania and Virginia, have a deep interest in the navigation of the Ohio river and an intercourse with Louisville. It is known that the rapids of that river, at Louisville, present a great obstruction to the navigation; I have heard some men say, that they thought it the interest of Louisville and its vicinity, that these obstructions never should be removed; that they caused the stoppage of nearly every boat that passed, and thus rendered them tributary to the adjoining towns. This I know is not the sentiment of my countrymen generally, it is the opinion of a few only; but suppose this contracted policy was to pervade the States of Kentucky and Indiana, and they were to refuse their co-operation, aid, or assent, to improving this navigation, would you say, sir, that the nation is manacled; that it possesses no power to interfere and protect the rights of those who wish to navigate this stream? It is certain that the States of Ohio, Pennsylvania, and Virginia, as such, could not. This power, the power to regulate and to promote intercourse between the States, ought to belong to the General Government.

But what are the grounds on which it is contended that Congress do not possess this power? The honorable member from Connecticut (Mr. DAGGETT) has contended, that because the Constitution has expressly given the power to establish post roads, they are, by a legal rule of construction, excluded from establishing other roads. This would be correct, if there were no other parts of the Constitution from which this power could be fairly deduced; if the subject of post roads was not one which particularly called for such a provision as is contained in the Constitution. If no provision were in the Constitution relative to the establishment of post roads, I should not doubt the power of Congress to establish post roads from State to State. But it might well be doubted whether they had the power to establish a post road between two little towns within the same State, and off from the main post routes, for the purposes of neighborhood, not State, convenience. Hence the necessity for this express power in the Constitution.

But let us resort to the Constitution, and see if it does not sanction the objects of this bill. It is not necessary for me to contend, that "to provide for the general welfare," is a substantive grant of power. Take the paragraph of the Constitution according to the most limited sense in which it is construed by any one, and omit intervening words, and it will read, "Congress have power to collect taxes, to provide for the general welfare." In other words, Congress have power to raise money when the public welfare shall require it, and to disburse it in providing for the public welfare.

If Congress possesses this power, the first question presenting itself is, will the public welfare be promoted by great roads which shall extend from Maine to Louisiana, from the Atlantic to the Mississippi? which shall by canals connect inland navigation from one end of our union to the other—promote intercourse between State

and State, expedite the mail, and facilitate the transportation of troops and munitions of war from one place to another in the hour of peril? I shall not be answered in the negative by any honorable member. I will not dwell on this point—the good sense of every one who hears me will respond in the affirmative.

The public welfare will then be promoted by accomplishing the objects of the bill. In accomplishing those objects, will any State privileges, will any private rights be violated, is the next inquiry. It has been contended that the States have the right to make roads and canals, and, therefore, Congress do not possess the power. It is conceded that the States have this right—so have they the right to erect fortifications, to build ships of war. But Congress have the same right, and not only the right, but it is their duty to do it. Suppose, in a time of war, two neighboring posts separated by marshy ground; would not Congress possess the power to make a road between them to facilitate the marching of troops, and the transportation of the munitions of war? No man will deny this power. Whence is it derived? From the power to provide for the public defence, and to disburse money for the public welfare. Then Congress may make roads whenever these objects will be promoted, provided, in so doing, the rights of States or individuals are not violated. Who is to judge when and how these objects can best be accomplished? Surely the General Government. That this power might be so exercised, might be so abused, as to violate State rights, I admit. So may the power to erect fortifications. Were Congress wantonly to seize, for a fortification, ground consecrated by the laws of a State to the burial of the dead—were they to prostrate the capitol of a State, or demolish the country seat of a citizen under like pretences—when there was no necessity for so doing, when sites equally advantageous and not thus valuable were in their power—it would be an usurpation; an act of tyranny on State and individual rights.

It must, then, be in the manner of exercising the power, and not in the power itself, that State rights are to be violated. For I will ask honorable gentlemen to inform me what State rights can be violated if Congress were to erect, by contract with all the proprietors on whose soil it passed, a great highway through any State; say, for example, a road from this District through Virginia, to the mouth of the Kenawha? Have not the citizens a right to sell their lands? to grant a right of way over them? Could not any citizen, or combination of citizens, construct such a road without consulting the Legislature of Virginia? And shall we be told that the National Government cannot purchase this right for the American family? I ask what difference there is in constructing a road by contract with the proprietors over whose soil it passes, and building a fortification or a seventy-four within a State by contracts with the proprietors of the ground used for either purpose?

The bill on your table, sir, expressly provides for obtaining the assent of the State government where the money is to be disbursed. But we are asked by an honorable gentleman, whether the assent of the State government is to give us powers which we do not possess. Congress possesses the power to make post roads, and the power to make military roads or canals, in other words, roads or canals which shall directly aid in the defence of any post, frontier, or vulnerable point, without any pretence for the interference of the States on these points. And I trust I have shown that Congress possess the power to disburse the public money in constructing roads, canals, &c., between State and State, which shall promote the public welfare, provided in the manner of exercising this latter power they do not conflict with any State or private right. But if the State government give their sanction to the measure, there can be no confliction of powers or rights. Hence this provision in the bill, that there may be no confliction with, no jealousies on the part of the State authorities. Whenever there are doubts on Constitutional points, it is best to conciliate—it is best to quiet them by courtesy, if time and circumstances will permit.

It is said by an honorable member, that even if the canals contemplated were constructed, they would be but little used in time of peace; that our citizens would prefer going round on the ocean, the great highway of nature. Does the honorable gentleman imagine we are always to remain at peace? Does he so soon forget the perils and difficulties from which we have so recently been relieved? For, notwithstanding the pride and satisfaction which every American bosom must feel at the general events of the war, and its honorable conclusion, the tear of pity must drop at the many cases of individual misfortunes and suffering, which occurred during its progress. Who can tell how many families were brought to penury, or the thousands of dollars that was paid for transportation? Who can count the millions worth of property that was lost or destroyed for the want of a market, during the war? Would not a great part of this have been avoided, if our inland communication had been what it might be in a few years? I verily believe a million of dollars, judiciously expended on the works now contemplated, would have saved many millions during the war to our Treasury, and tens of millions to our citizens. Shall we never profit by experience? Shall we fold our arms as soon as the storm is over, and loll in idleness? No. Let us recollect that peace is the time in which to prepare for war. Let us judiciously use our resources. Let us connect, by permanent roads or canals, those points which the experience of the late war, or our own reflections, teach us are most exposed, with our military depots, and with the heart of the country, whose population is to be their support in the time of need. Let us not again wait until an enemy is at our doors, before we begin seriously to prepare for him.

We have been asked, Mr. Chairman, to postpone this bill until the meeting of another Con-

gress; and it has been suggested, that passing it at this time, would seem like a peace offering for the offence committed in passing the compensation bill.

We are, by nature, too prone to put off until to-morrow, what may be done to-day. We have had this subject before us the whole session, we have time enough to discuss it; why, then, not meet it?

Not having been a member of Congress until this session, I stand in need of no peace offering on the subject alluded to; and not having desired to remain in public life after this session, I may be permitted to speak of Congress in terms which otherwise might not be proper. When, during the last session, I was at home a citizen, observant of the course of policy pursued by this Congress, I saw them adopting measures to restore a national currency; to place our finances on a respectable footing; to protect our infant manufactures; to foster our navy; to construct fortifications; and other measures of a like character. I congratulated myself and my country in the general wisdom of its measures. After I saw the unfortunate law alluded to, and the notice taken of it by the people, I considered the sum as nothing in a political point of view, compared with what I feared would be its consequences. I apprehended, and repeatedly so declared, that the re-action of the public excitement on Congress, would have an unfavorable effect upon other measures. There had, prior to that time, been in the State in which I reside, and I believe in the nation at large, an honorable and a generous confidence in Congress. But this measure, to say the least of it, gave to those who were disposed to misrepresent and caricature the motives of members, too plausible a ground for their attacks. Distrust has been the consequence; and I apprehend that members in both Houses have become too timid, too little disposed to adopt important measures for fear they should offend again, although, in relation to them, public sentiment has not been expressed.

I had been accustomed, Mr. Chairman, to look to the Senate with a high degree of respect and veneration—and as that body which was to give stability to our national affairs in those times of temporary excitement, which every free Government must at times be subject to. When I had the honor of taking a seat here at the commencement of the session, and formed a personal acquaintance with its members, the opinion which I had formed of this body was by no means lessened.

I consider this bill as of the first importance to the nation, as the Government will thereby stand pledged to commence internal improvements. It will not then be in the power of any one branch of the Legislature to stop or embarrass the subject. It has passed the other House. A great portion of the present members of that body were members during the war, and felt the embarrassments of our situation. It is surely then not detracting from the merits of the next Congress, to say that I am unwilling to leave it to them. Many of them will be new members; and a great portion of them elected under a temporary excitement. They may, like some gentlemen here now, be disposed to put it off. They may be disposed not readily to adopt important measures which we, by a postponement, would show we were unwilling to meet. Let us then avail ourselves of this opportunity. Let us concur in the measure. If we do so, I am sure the next Congress will not be disposed to repeal it.

The national sentiment is in favor of internal improvements. It has been the time, the mode, the manner of commencing it, on which public sentiment has heretofore been divided, not whether it ought or ought not to be undertaken.

Let any part of the Union be assured, by the passage of this bill, that it will receive a just portion of its benefits, and there will no longer be any obstacles to our commencing, and in time perfecting this great undertaking. Although I am fully persuaded that public sentiment calls for these works, this bill is not of a kind to catch the popular feeling of the moment; a feeling which is to be wielded for electioneering purposes. Its operation, although certain, will be slow; years will pass away; its advocates may be forgotten in the walks of private life, before its visible effects can be pointed out. If any subjects have been proposed and advocated in Congress at this session as peace offerings to an offended people, I should say that the projects of repealing your taxes and for reducing your army are of this kind. I do not believe that there is any complaint about your taxes at present by the great body of the people. So long as they see that these taxes are faithfully collected and judiciously applied to the payment of our debts, and to objects of permanent usefulness, they will be contented. The people recollect that the public faith in relation to these taxes is pledged to those from whom we borrowed money in the period of danger; they will not call for their repeal if left to the fair exercise of their own good sense.

One remark more, Mr. Chairman. Whatever other gentlemen may think of it, the argument of the honorable member from Pennsylvania, (Mr. LACOCK,) that this measure would cement the bonds of our Union, deserves consideration; I deem it of great importance. It is unfortunately the case that there have been in different sections of this Union jealousies and suspicions, in relation to other parts of it. I wish to God those jealousies could be sunk in the ocean of oblivion. By making your roads and canals, we shall have more intercourse with each other, and shall become better acquainted with each other; and I am persuaded that the better we become acquainted the more we shall like each other; the less willing we shall be ever to see a national barrier rise up between us and sever the bonds of our Union.

If, sir, this bill should pass at the present session, if any exertion of mine shall be calculated to aid its passage, I shall think that I have spent my Winter to some other purpose than that of receiving a portion of the public funds and forming a more extended acquaintance; I shall feel

that I have rendered some service to my country in return; and I shall always recollect it with pleasure and with pride.

Mr. MACON, of North Carolina, said, that he did not come to the Senate this morning with an intention to take any part in the debate on this great question. He now thought it his duty to make a few observations, however desultory they might be. He appealed to every member present, if the bill was not a new plan of legislating in this country? He did this with perfect confidence, because he was satisfied that nothing like it could be found in our statute book. It makes an appropriation of millions for roads and canals, without directing a cent to be expended on any road or canal. It was as incorrect as it was new, and against the invariable practice of the Government, which had been to make appropriations of money as specific as possible; to appropriate a certain sum for a certain object, which sum ought to be confined to such object. Who can tell what effect this general appropriation may have in a few years? When he recollected the importance of the election of President of the United States, and the struggles, anxieties, and exertions which had taken place about it, he feared that it might hereafter be connected with that great event. He spoke of human nature as it was; he believed the people and the Government as pure as heretofore. But he well remembered the feelings which were excited on a particular occasion, in the Capitol before it was burnt; and he as well remembered that at the sessions of Congress preceding the Presidential election, that which may be called the caucus session, motions have more than once been made to move the Seat of the General Government. He only meant to state the facts, and leave each member to draw his own conclusions.

The bill looked more like constitution-making than legislating. It established an important principle, and left the detail to be hereafter provided, though in one respect it differed widely from that, which is this: it locks up millions uselessly, for years to come, in the Treasury, which ought to be employed in the payment of the public debt. In time of peace no exertion ought to be spared to discharge it. Money in war is strength. Pay the debt, and the nation will be strong indeed. But apply the public money to expensive projects, and we may hereafter be as much embarrassed with debt and taxes as the British nation, unless our unsettled lands, to which people will move and better their situation, save us for a long time from their unfortunate condition. It is a safe and good rule to pay debts when you have the means.

It appeared more like the decrees and proclamations of France and Great Britain, which perplexed us so much during their late wars, than an act of Congress. But these some officer was directed to carry into effect, and, of course, to arrange the necessary detail. But the bill was not to operate, except by keeping the money in the Treasury, without the consent of Congress and a State Legislature, to be hereafter given. Was it not like a constitution, which only ordains what may be done, but not how or when? Was it not incorrect, because there was no estimate of the cost? And no one pretended to guess at the sum necessary to finish the roads and canals, nor does any one know where they are to be. Was it not against the common practice of Congress to appropriate money without an estimate? It was certainly a new discovery in American legislation, being a permanent appropriation, not to be used until other acts were passed, a part of which the General Government could not pass. Very improperly, he conceived, the passing it now had been compared to the conduct of a prudent individual; such a one would count the cost before he undertook great and expensive works, and would pay his debts, if he had any, before he would lay his money up, not to be used for years to come. It is true that we have a permanent appropriation to pay the interest and principal of the debt; but that was not locked up, but in constant use, performing the purpose for which it was appropriated. We also have another, for eight years, for the navy—that, too, was employed.

Without entering into the question of the Constitutional power of Congress to make roads and canals, which power he was perfectly satisfied was not given to the General Government, he was convinced that if the argument of the gentleman from Virginia (Mr. BARBOUR) was true, that a bank was Constitutional because two laws had been passed to incorporate the two United States Banks, and that the courts had so decided, it was equally true, as stated by the gentleman from Connecticut (Mr. DAGGETT) that the alien and sedition laws were also Constitutional, because the courts had so decided. There can be no difference, except that two acts have been passed in one case, and but one in each of the others. As to the courts, they stand on exactly the same footing; and the courts have exercised the power to declare a law unconstitutional, and rightfully, he verily believed.

The authority to pass the bill, judging from the arguments used, seems to be derived rather from precedents than the Constitution. This surely cannot be the true way to construe that sacred instrument. All who are called to act upon it must judge for themselves, and act accordingly. Hence all act on their own responsibility. If precedents are to be the rule of construction, the Constitution may be altered without applying to the States; and, according to it, no amendment can be made without their consent. This bill, if passed, will itself add to the precedents, and hereafter strengthen them.

He asked, why appropriate the money now, when the Secretary of the Treasury, in the same report in which he states the great revenue of the present year, calculates a considerable reduction for several years to come? Which calculations if correct, or nearly so, may render this appropriation very convenient.

No one doubts that roads and canals are desirable, and, when wisely undertaken and properly

finished, profitable. But does this prove that it is now wise, when the United States are in debt, to make this appropriation for them, before the money can be used, and that too, to say the least, on doubtful authority? Every free people seem naturally to turn their attention and industry to improvements of every kind. As soon as they are prepared, they begin. The proper time is known, by their willingness, by the industrious and careful people being ready to vest their money in them, for a reasonable profit. He repeated the question, why pass the bill at this time, when we have been told that it may be repealed whenever Congress think proper?

Mr. M. said, there were one or two points more, which he was desirous to have noticed, but, his voice failing, he declined.

Mr. ASHMUN said, it was not his intention to discuss at large the question, whether Congress had the Constitutional power to pass the bill on the table. Were he to undertake this, he could do no more than to repeat the arguments of the honorable gentleman from Connecticut, (Mr. DAGGET,) and by repeating, he feared he should weaken them. He would, however, take the liberty of saying, that his present impressions were decidedly against the right of Congress to adopt the proposed measure. Heretofore it had been understood that it was almost universally admitted, that the authority alluded to did not exist, unless in consequence of the assent of the Legislature of the State, within which the road or canal was to be made. No precedent, it was believed, could be adduced, for going beyond this; and the bill itself, now under the consideration of the Senate, did not, in terms, propose to expend any portion of the immense fund, about to be set apart, in any of the States without their consent. The second section provides that the fund shall "be applied 'in constructing such roads or canals, &c., in each 'State, as Congress, with the assent of such State, 'shall by law direct." The bill, therefore, in terms, admits the right of a State to an agency in the expenditure of this money, and the friends of the bill seem to consider this as a most satisfactory answer to all the Constitutional objections which have been urged against it. The money, say gentlemen, is to be expended with the assent of the State; and how, they ask, can State rights or State sovereignty be violated under such circumstances? Mr. A. said, he was bound to believe, that when honorable gentlemen talked of the assent of a State, they meant a real voluntary assent, and not one that was nominal and forced. But an assent of the former kind was not provided for in the bill. The money was to be laid out on such objects in each State, as Congress, with the assent of the State, might direct. But suppose that Congress and the State government cannot agree upon the objects, what is to become of the money? Will the State receive any part of this great fund? No provision of that kind is made, and none is intended. On the contrary, it is conceded, that in such a case, the money is to remain in the Treasury of the United States, and as their property. The consent of the State, therefore, provided for in the bill is a mere shadow—an illusion. Congress may and will say, to a State, that the money shall be applied in constructing a road or canal in a particular place; otherwise it cannot be applied at all within the State. In such a case the State will be forced to yield its assent to the expenditure in the very place pointed out, however injudiciously or unwisely selected, or however injuriously the measure may affect its prosperity, under the heavy penalty of forfeiting all its interest in the fund. A consent obtained under such circumstances, is no consent; the disposition of the money will be as much without the fair agency of the State, and as exclusively within the control of Congress, as if the clause providing for the assent of the State was stricken out of the bill. The subject ought to be fairly treated. Congress ought either openly to assume the power of cutting roads and canals, wherever they please, whatever the States may say or think about it; a power never before assumed or contended for, and nowhere expressed in the Constitution; or else, they ought to provide for the exercise of a discretion and a volition on the part of the individual States, which shall not be the result of coercion, and which shall not be extorted by the consideration that withholding it will forfeit all claim to their just share of the fund. Mr. A. said, that it appeared to him, that gentlemen who held the opinion, which had heretofore so universally prevailed, and which had been sanctioned in a great variety of ways—that Congress had not the power to construct roads and canals through a State without obtaining its consent, must, upon reflection, be entirely satisfied, that such consent is not provided for in this bill in a manner to satisfy any reasonable man. The States which had not a preponderating influence in the Government ought not, and he thought would not, be satisfied with this nominal saving of their rights. If they should be, it would in his view lessen the importance of the subject; because in that case he should not think it of much consequence what rights were retained, and what were surrendered. Mr. A. concluded by saying, that as he did not consider the answers given to the Constitutional difficulties which had been urged, as satisfactory; and as he was also decidedly against the bill on various other grounds, most of which had been distinctly stated, he should vote for the indefinite postponement.

The question on postponement was then taken, and decided in the negative—yeas 18, nays 19, as follows:

YEAS—Messrs. Ashmun, Brown, Campbell, Chace, Condit, Daggett, Dana, Fromentin, Gaillard, Howell, Hunter, Macon, Smith, Thompson, Tichenor, Troup, Varnum, and Williams.

NAYS—Messrs. Barbour, Goldsborough, Hardin, Horsey, King, Lacock, Mason of New Hampshire, Mason of Virginia, Morrow, Noble, Roberts, Ruggles, Sanford, Stokes, Tait, Talbot, Taylor, Wells, and Wilson.

The Senate adjourned.

THURSDAY, February 27.

Mr. WILSON, from the joint committee appointed to examine and report what business is pending between the two Houses, and what is indispensable to act upon previous to the adjournment, made a report; which was read.

Mr. WILLIAMS presented the petition of Hannah Allen, widow of Justice Allen, who died while in the service of the United States, praying relief, for reasons stated in the petition; which was read, and referred to the Committee on Pensions, to consider and report thereon by bill or otherwise.

Mr. MORROW, from the Committee on Public Lands, to whom was referred, on the 7th instant, the Message from the President of the United States, reported a bill authorizing the payment of a sum of money to the State of Georgia, under the articles of agreement and cession between the United States and that State; and the bill was read, and passed to the second reading.

On motion, by Mr. ROBERTS, the Committee of Claims, to whom was referred the memorial of Francis Henderson and family, heirs and representatives of John Laurens, deceased, were discharged from the further consideration thereof.

On motion, by Mr. STOKES, the Senate resumed, as in Committee of the Whole, the consideration of the bill to authorize the State of Tennessee to issue grants and perfect titles on certain entries and locations of lands therein described, together with the amendments reported thereto by the select committee; and the bill having been amended, the PRESIDENT reported it to the House accordingly; and the amendments having been concurred in, on the question, "Shall this bill be engrossed, and read a third time?" it was determined in the affirmative—yeas 23, nays 8, as follows:

YEAS—Messrs. Ashmun, Brown, Campbell, Daggett, Fromentin, Goldsborough, Hardin, Horsey, Howell, Lacock, Morrow, Noble, Roberts, Ruggles, Sanford, Stokes, Tait, Talbot, Taylor, Thompson, Tichenor, Troup, and Williams.

NAYS—Messrs. Condit, Dana, Gaillard, Macon, Mason of New Hampshire, Smith, Varnum, and Wilson.

Mr. ROBERTS submitted the following resolution; which was read, and passed to the second reading:

Resolved, That there be paid out of the contingent fund of this House to Robert Tweedy, Tobias Simpson, and George Hicks, the sum of one hundred dollars each, for extra services.

Mr. CHACE, from the Committee on the Judiciary, asked and obtained leave to report a bill to amend an act, entitled "An act to establish the judicial courts of the United States;" and the bill was read, and passed to the second reading.

Mr. CAMPBELL, from the Committee on Finance, to whom was referred the bill, entitled "An act supplementary to an act, entitled 'An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments;" reported it without amendment.

Mr. CAMPBELL, from the same committee, to whom was referred the bill, entitled "An act making provision for the support of the Military Establishment for the year 1817," also reported it without amendment.

Mr. LACOCK, from the Committee on Roads and Canals, to whom was referred the bill, entitled "An act making an appropriation for opening and cutting out a road therein described," reported it without amendment.

On motion, by Mr. VARNUM, the Senate resumed, as in Committee of the Whole, the consideration of the bill authorizing a subscription for the printing of the tenth volume of the public documents; and no amendment having been made thereto, the PRESIDENT reported it to the House, and it was ordered to be engrossed and read a third time.

Mr. FROMENTIN presented the memorial of the General Assembly of the State of Louisiana, relative to the land claims of Florida; and the memorial was read, and referred to the Committee on the Public Lands, to consider and report thereon by bill or otherwise.

Mr. FROMENTIN also presented another memorial of the Legislature of the same State, respecting the land titles in the former Territory of Orleans; and the memorial was read, and referred to the same committee, to consider and report thereon.

Mr. FROMENTIN also presented the petition of P. and B. Jourdan, of the State of Louisiana, praying compensation for property destroyed by order of General Jackson, as stated in the petition; which was read, and referred to the Committee of Claims, to consider and report thereon by bill or otherwise.

Mr. FROMENTIN also presented the petition of widow Des Londi, of the city of New Orleans, praying compensation for damages sustained by the destruction of her property, whilst occupied by order of General Jackson, as stated in the petition; which was read, and referred to the Committee last mentioned, to consider and report thereon.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act authorizing the Secretary of the Treasury to pay to the State of Georgia fifteen per centum upon the quota of direct tax, for the year 1816, assumed and paid by that State;" a bill entitled "An act authorizing the deposite of the papers of foreign vessels with the Consul of their respective nations;" a bill entitled "An act supplementary to an act to regulate the duties on imports and tonnage;" a bill entitled "An act for the relief of Isaac Lawrence and others, merchants, residing in the city of New York:" a bill entitled "An act to provide for the redemption of the public debt;" a bill entitled "An act to repeal so much of any acts now in force as authorizes a loan of money, or an issue of Treasury notes;" also, a bill entitled "An act respecting the assessment and collection of the direct tax;" in which bills they request the concurrence of the Senate. They have passed the bill from the Senate, enti-

tled "An act making reservation of certain public lands to supply timber for naval purposes," with amendments, in which they request the concurrence of the Senate. They have also passed the bill from the Senate, entitled "An act to enable the people of the western part of the Mississippi Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States," with amendments, in which they request the concurrence of the Senate.

The Senate proceeded to consider the amendments of the House of Representatives to the bill last mentioned; and, on motion, they were referred to the Committee on the Public Lands, to consider and report thereon.

The Senate proceeded to consider the amendments of the House of Representatives to the bill, entitled "An act making reservation of certain public lands to supply timber for naval purposes," and concurred therein.

The seven bills last brought up for concurrence were read, and severally passed to the second reading.

The bill authorizing a subscription for the printing of the tenth volume of the public documents, was read a third time by unanimous consent, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act making appropriations for the support of Government for the year 1817," and the bill having been further amended, the PRESIDENT reported it to the House accordingly; and the amendments having been concurred in, on the question, "Shall the amendments be engrossed, and the bill be read a third time as amended?" it was determined in the affirmative.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the relief of John de Castanado;" a bill, entitled "An act for the relief of Caleb Nicholls;" a bill, entitled "An act for the relief of William Oliver;" a bill, entitled "An act for the relief of Joseph J. Green;" a bill, entitled "An act for the relief of James H. Boisgervais;" a bill, entitled "An act for the relief of James Caze and John Richaud;" a bill, entitled "An act for the relief of Peter Caslard;" a bill, entitled "An act for the relief of Jumonville de Villiers;" a bill, entitled "An act for the relief of Peter Kindall;" a bill, entitled "An act for the relief of James Orr;" a bill, entitled "An act for the relief of Barthelemy Duverger;" a bill, entitled "An act for the relief of George Buckmaster;" a bill, entitled "An act for the relief of Antoine Bienvenue, of the State of Louisiana;" a bill, entitled "An act for the relief of Alexander Holmes and Benjamin Hough;" a bill, entitled "An act for the relief of William Chism;" a bill, entitled "An act for the relief of James Villere;" a bill, entitled "An act for the relief of Madame Montreuil;" a bill, entitled "An act for the relief of Peyton Short;" a bill, entitled "An act for the relief of Charles Williams;" a bill, entitled "An act for the relief of Mary Wells;" a bill entitled "An act for the relief of Asa Wells; also, a bill, entitled "An act supplementary to the act, entitled 'An act directing the disposition of money paid into courts of the United States;" in which bills they request the concurrence of the Senate. They have passed the bill from the Senate, entitled "An act to authorize the appointment of a surveyor for the lands in the northern part of the Mississippi Territory, and the sale of certain lands therein described," with amendments, in which they request the concurrence of the Senate.

Mr. MORROW, from the Committee on the Public Lands, to whom was referred the amendments of the House of Representatives to the bill, entitled "An act to enable the people of the western part of the Mississippi Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States," reported the same without amendment; and, on motion, the Senate resumed the consideration of the said amendments to the bill last mentioned, and concurred therein.

Mr. ROBERTS presented the petition of Daniel Simonds, of Beverly, in Massachusetts, who belonged to the army of the Revolution, praying a pension, for reasons stated in the petition; which was read, and referred to the Committee on Pensions, to consider and report thereon by bill or otherwise.

Mr. ROBERTS, from the Committee of Claims, to whom the subject was referred, reported a bill for the relief of Isaac Briggs; and the bill was read, and passed to the second reading.

PETITION OF WILLIAM B. STOKES.

Mr. ROBERTS, from the same committee, to whom was referred the petition of William B. Stokes, made the following report:

That the petitioner was the owner of a house in the town of Havre-de-Grace, in the State of Maryland, when the British detachment arrived at that place in May, 1813, at which time it was destroyed by them.

The petitioner represents his said house as of the value of $7,500. The evidence laid before the committee appears to have been taken under commissions issued by Richard Bland Lee. It is set forth in the deposition of John C. Ridgly, a lieutenant of dragoons at said time in the service of the United States, that, on the Saturday before the British arrived at Havre-de-Grace, he reached there with a detachment of dragoons, in pursuit of deserters, and asked for quarters. Mrs. Sears, who kept the house of Mr. Stokes as a tavern, objected; but he insisted, and did quarter there from Saturday until Monday, when the British landed, and at that time had two deserters under guard in the said house. Subsequently he bore a flag to the enemy, and remonstrated against the destruction of said house, and was answered it was a military depot. Abraham Garret, another witness examined, swears that he accompanied the flag, and, on remonstrating against the conduct of the British in burning the town, he was told by the Admiral that many of the houses burnt were occupied for military purposes; that it was his determination to burn every house occupied for military purposes, &c.

The depositions of Ridgly and Garret are those only that go to touch the cause of the burning, and all they state amounts to no more than that this was the vague excuse of a vindictive freebooter for a disgraceful outrage on the usages of civilized warfare. The detachment of cavalry, it appears very evidently, sojourned in a public house over the Sabbath only; that they were there as persons passing casually, not in a military station, nor exercising any control over the house. The attempt to establish a military occupancy from the presence of militia is still more objectionable, as there were, it is believed, only the local militia present, and many of them residents. That a British Admiral, committing acts of the most flagitious desolation, should, when earnestly expostulated with against it, offer some pretence of justification at the expense of candor and truth, was to be expected—it was perfectly in character. But the committee think it would be erroneous to admit such authority to establish the fact of public occupancy. Mr. Garret says that many of the houses were alleged by the enemy to be occupied for military purposes. This would seem to convey the idea that Mrs. Sears's house was the strongest case, and that others are considered as eligible to allowance, even on slighter pretences. Some, however, it is admitted, have been burnt wantonly.

The whole transaction, the committee have no doubt, was of the most lawless character, and they cannot admit for a moment that this flagitiously incendiary act should be at all palliated by the admission of such evidence to sanction it as an act of excusable warfare.

The committee believe this to be the first claim of a similar nature presented for the decision of Congress, and they apprehend that the extent in which like claims may be made gives to the decision that may now be had an importance that does not belong to the value claimed. While they regret an enemy, styling themselves Christians, could commit acts of such aggravated turpitude, and that their fellow-citizens have been made the victims of such heinous depravity, they cannot feel the obligation on the Government to make indemnity, nor discover any practical principle of justice that would allow it. They submit, respectfully, the following resolution, to wit:

Resolved, That the prayer of the petitioner ought *not* to be granted.

The report and resolution were read.

INTERNAL IMPROVEMENTS.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to set apart and pledge, as a permanent fund for internal improvements, the bonus of the National Bank, and the United States share of its dividends." The bill is as follows:

A Bill to set apart and pledge, as a permanent fund for internal improvements, the bonus of the National Bank, and the United States share of its dividends.

Be it enacted, by the Senate and House of Representatives of the United States of America in Congress assembled, That the bonus secured to the United States by the "Act to incorporate the subscribers to the Bank of the United States," and the dividends which shall arise from their shares in its capital stock, during the present term of twenty years, for which the proprietors thereof have been incorporated, be, and the same are hereby, set apart and pledged as a fund for constructing roads and canals, and improving the navigation of water courses, in order to facilitate, promote, and give security to internal commerce among the several States, and to render more easy and less expensive the means and provisions necessary for their common defence.

SEC. 2. *And be it further enacted*, That the moneys constituting the said fund shall, from time to time, be applied in constructing such roads or canals, or in improving the navigation of such water courses, or both, in each State, as Congress, with the assent of such State, shall by law direct, and in the manner most conducive to the general welfare; and the proportion of the said moneys to be expended on the objects aforesaid, in each State, shall be in the ratio of its representation, at the time of such expenditure, in the most numerous branch of the National Legislature.

SEC. 3. *And be it further enacted*, That the said fund be put under the care of the Secretary of the Treasury for the time being; and that it shall be his duty, unless otherwise directed, to vest the said dividend, if not specifically appropriated by Congress, in the stock of the United States; which stock shall accrue to, and is hereby constituted a part of, the said fund.

SEC. 4. *And be it further enacted*, That it shall also be the duty of the said Secretary, unless otherwise directed, to vest the bonus for the charter of said bank, as it may fall due, in the stock of the United States; and also to lay before Congress, at their usual session, the condition of said fund.

On motion, by Mr. ASHMUN, to amend the bill by adding to the second section the following proviso:

"*Provided, however*, That no part of said fund shall be expended on any of the objects aforesaid, within the State, without the assent of the Legislature thereof: *And provided, also*, That if any State shall refuse its assent as aforesaid, there shall be paid to such State such proportion of said moneys as would be expended therein on the objects aforesaid, if such State had assented to said expenditure."

It was determined in the negative—yeas 5, nays 33, as follows:

YEAS—Messrs. Ashmun, Condit, Daggett, Dana, and Tichenor.

NAYS—Messrs. Barbour, Brown, Campbell, Chace, Fromentin, Gaillard, Goldsborough, Hanson, Hardin, Horsey, Howell, Hunter, King, Lacock, Macon, Mason of New Hampshire, Mason of Virginia, Morrow, Noble, Roberts, Ruggles, Sanford, Smith, Stokes, Tait, Talbot, Taylor, Thompson, Troup, Varnum, Wells, Williams, and Wilson.

The bill having been amended, the PRESIDENT resumed the Chair, and it was reported to the House accordingly.

On motion, by Mr. GOLDSBOROUGH, to amend the bill by striking out of section three, after the word "duty," in line three, to the end of the section, and inserting in lieu thereof the following:

"To apportion and divide the said fund, as it annually accrues, among the several States now existing, and such as may hereafter be admitted into the Union, according to the then existing ratio of representation, as before directed; and to invest the same, so apportioned and divided, in funded debt of the United States, in the names of the respective States; and the funded

debt, so set apart in the names of the respective States, shall be applied to the aforesaid objects, under the concurrent direction of Congress and the Legislature of the State interested; and he shall also lay before Congress, at their next annual session, the condition of the said fund."

It was determined in the affirmative—yeas 21, nays 17, as follows:

YEAS—Messrs. Barbour, Brown, Fromentin, Goldsborough, Hanson, Horsey, King, Lacock, Mason of New Hampshire, Mason of Virginia, Morrow, Noble, Roberts, Ruggles, Sanford, Stokes, Tait, Talbot, Taylor, Thompson, and Wells.

NAYS—Messrs. Ashmun, Campbell, Chace, Condit, Daggett, Dana, Gaillard, Hardin, Howell, Hunter, Macon, Smith, Tichenor, Troup, Varnum, Williams, and Wilson.

On motion, by Mr. CAMPBELL, to amend the first section of the bill, by inserting after "and," in the fourth line, "so much of;" and in the seventh line, after the word "incorporated," "as shall remain after paying the interest accruing on the stocks of the United States constituting the said shares."

It was determined in the negative—yeas 17, nays 21, as follows:

YEAS—Messrs. Ashmun, Campbell, Chace, Condit, Daggett, Dana, Gaillard, Hardin, Howell, Macon, Smith, Stokes, Thompson, Tichenor, Troup, Varnum, and Williams.

NAYS—Messrs. Barbour, Brown, Fromentin, Goldsborough, Hanson, Horsey, Hunter, King, Lacock, Mason of New Hampshire, Mason of Virginia, Morrow, Noble, Roberts, Ruggles, Sanford, Tait, Talbot, Taylor, Wells, and Wilson.

On motion, by Mr. HORSEY, to add the following proviso to the second section of the bill:

"*Provided*, That the proportion of said fund to be assigned to any State, or any part thereof, may, by the assent of such State, be applied to the purposes aforesaid in any other State."

It was determined in the affirmative—yeas 26, nays 12, as follows:

YEAS—Messrs. Barbour, Brown, Chace, Fromentin, Goldsborough, Hanson, Hardin, Horsey, Hunter, King, Lacock, Mason of New Hampshire, Mason, of Virginia, Morrow, Noble, Roberts, Ruggles, Sanford, Stokes, Tait, Talbot, Taylor, Thompson, Tichenor, Wells, and Wilson.

NAYS—Messrs. Ashmun, Campbell, Condit, Daggett, Dana, Gaillard, Howell, Macon, Smith, Troup, Varnum, and Williams.

On motion, by Mr. DAGGETT, to add to the end of the bill the following proviso:

"*Provided*, That, in case the United States shall be engaged in war with any other nation, it shall and may be lawful to divert, during the continuance of such war, any unexpended sum of this appropriation, accruing during such period, for the purpose of maintaining such war."

It was determined in the negative—yeas 18, nay 19, as follows:

YEAS—Messrs. Ashmun, Campbell, Chace, Condit, Daggett, Dana, Gaillard, Hardin, Howell, Hunter, Macon, Mason of Virginia, Smith, Thompson, Tichenor, Troup, Varnum, and Williams.

NAYS—Messrs. Barbour, Brown, Fromentin, Goldsborough, Hanson, Horsey, King, Lacock, Mason of New Hampshire, Morrow, Noble, Roberts, Ruggles, Sanford, Tait, Talbot, Taylor, Wells, and Wilson.

On the question, "Shall the amendments be engrossed, and the bill be read a third time as amended?" it was determined in the affirmative—yeas 22, nays 16, as follows:

YEAS—Messrs. Barbour, Brown, Fromentin, Goldsborough, Hanson, Hardin, Horsey, King, Lacock, Mason of New Hampshire, Mason of Virginia, Morrow, Noble, Roberts, Ruggles, Sanford, Stokes, Tait, Talbot, Taylor, Wells, and Wilson.

NAYS—Messrs. Ashmun, Campbell, Chace, Condit, Daggett, Dana, Gaillard, Howell, Hunter, Macon, Smith, Thompson, Tichenor, Troup, Varnum, and Williams.

FRIDAY, February 28.

The twenty-two bills last brought up for concurrence were read, and severally passed to the second reading.

The bill entitled "An act for the relief of Joseph J. Green," was read the second time, by unanimous consent, and referred to the Committee of Claims, to consider and report thereon.

The bill entitled "An act for the relief of Peter Kindall," was read the second time, by unanimous consent, and referred to the same committee, to consider and report thereon.

The bill entitled "An act for the relief of John de Castanado," was read the second time, by unanimous consent, and referred to the same committee, to consider and report thereon.

The bill entitled "An act for the relief of Alexander Holmes and Benjamin Hough," was read the second time, by unanimous consent, and referred to the same committee, to consider and report thereon.

The bill entitled "An act for the relief of Antoine Bienvenue, of the State of Louisiana," was read the second time, by unanimous consent, and referred to the same committee, to consider and report thereon.

The bill entitled "An act for the relief of James Villere," was read the second time, by unanimous consent, and referred to the same committee, to consider and report thereon.

The bill entitled "An act for the relief of Madame Montreuil," was read the second time, by unanimous consent, and referred to the same committee, to consider and report thereon.

The bill entitled "An act for the relief of Asa Wells," was read the second time by unanimous consent, and referred to the same committee, to consider and report thereon.

The bill entitled "An act for the relief of William Oliver," was read the second time by unanimous consent, and referred to the same committee, to consider and report thereon.

The bill entitled "An act for the relief of James H. Boisgervais," was read the second time by unanimous consent, and referred to the same committee, to consider and report thereon.

The bill entitled "An act for the relief of Peter

Caslard," was read the second time by unanimous consent, and referred to the same committee to consider and report thereon.

The bill entitled "An act for the relief of Jumonville de Villiers," was read the second time by unanimous consent, and referred to the same committee, to consider and report thereon.

The bill entitled "An act for the relief of George Buckmaster," was read the second time by unanimous consent, and referred to the same committee, to consider and report thereon.

The bill entitled "An act for the relief of James Orr," was read the second time by unanimous consent, and referred to the same committee, to consider and report thereon.

The bill entitled "An act for the relief of Barthelemy Duverger," was read the second time by unanimous consent, and referred to the same committee, to consider and report thereon.

The bill entitled "An act for the relief of James Caze and John Richaud," was read the second time by unanimous consent, and referred to the same committee, to consider and report thereon.

The bill entitled "An act for the relief of Peyton Short," was read the second time by unanimous consent, and referred to the same committee, to consider and report thereon.

The bill entitled "An act for the relief of Caleb Nicholls," was read the second time by unanimous consent, and referred to the Committee on Military Affairs, to consider and report thereon.

The bill entitled "An act for the relief of William Chism," was read the second time by unanimous consent, and referred to the same committee, to consider and report thereon.

The bill entitled "An act for the relief of Charles Williams," was read the second time by unanimous consent, and referred to the same committee, to consider and report thereon.

The bill entitled "An act for the relief of Mary Wells," was read the second time by unanimous consent, and referred to the same committee, to consider and report thereon.

The bill, entitled "An act supplementary to an act, entitled 'An act directing the disposition of money paid into the courts of the United States," was read the second time by unanimous consent, and referred to the Committee on the Judiciary, to consider and report thereon.

The bill entitled "An act to provide for the redemption of the public debt," was read the second time, and referred to the Committee on Finance, to consider and report thereon.

The bill entitled "An act authorizing the deposit of the papers of foreign vessels with the Consul of their respective nations," was read the second time, and referred to the Committee on Commerce and Manufactures, to consider and report thereon.

The bill entitled "An act for the relief of Isaac Lawrence and others, merchants, residing in the city of New York," was read the second time, and referred to the same committee, to consider and report thereon.

The bill entitled "An act to repeal so much of any acts now in force as authorizes a loan of money, or the issue of Treasury notes," was read the second time, and referred to the Committee on Finance, to consider and report thereon.

The bill entitled "An act supplementary to an act to regulate the duties on imports and tonnage," was read the second time, and referred to the last-mentioned committee, to consider and report thereon.

The bill entitled "An act authorizing the Secretary of the Treasury to pay to the State of Georgia fifteen per cent. upon the quota of direct tax, for the year 1816, assumed and paid by that State," was read the second time, and referred to the same committee, to consider and report thereon.

The bill entitled "An act respecting the assessment and collection of the direct tax," was read the second time, and referred to the same committee, to consider and report thereon.

The bill for the relief of Isaac Briggs, was read the second time.

The resolution to make an additional allowance to Robert Tweedy and others, was read the second time, and considered as in Committee of the Whole; and ordered to be engrossed and read a third time.

The bill authorizing the payment of a sum of money to the State of Georgia, under the articles of agreement and cession between the United States and that State, was read the second time.

The bill to amend an act, entitled "An act to establish the judicial courts of the United States," was read the second time.

The amendments of the House of Representatives to the bill entitled "An act to authorize the appointment of a surveyor for the lands in the northern part of the Mississippi Territory, and the sale of certain lands therein described," were read, and referred to the Committee on Public Lands, to consider and report thereon.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of William B. Stokes, and the further consideration thereof was postponed until Monday next.

On motion by Mr. BARBOUR, the Committee on Pensions were instructed to inquire into the propriety of placing Reuben Thacker, and Wyatt Lanthrop, on the pension list, respectively.

The amendments to the bill entitled "An act making appropriations for the support of Government for the year 1817," having been reported by the committee correctly engrossed, the bill was read a third time as amended, and passed.

The bill to authorize the State of Tennessee to issue grants and perfect titles on certain entries and locations of lands therein described, was read a third time, and passed.

INTERNAL IMPROVEMENTS.

The amendments to the bill, entitled "An act to set apart and pledge, as a permanent fund for internal improvements, the bonus of the National Bank, and the United States' share of its dividends," having been reported correctly engrossed:

Mr. DAGGETT submitted the following motion:

Resolved, That this bill, and the amendments there-

to, be recommitted to the Committee on Roads and Canals, with instructions to provide that such part of the fund therein pledged be appropriated to promote internal improvements in the District of Columbia as it may be entitled to according to its numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons, and the appropriation hereby made to be under the control of Congress.

It was determined in the negative—yeas 14, nays 22, as follows:

YEAS—Messrs. Ashmun, Campbell, Chace, Dagget, Dana, Gaillard, Howell, Macon, Smith, Thompson, Tichenor, Troup, Varnum and Williams.

NAYS—Messrs. Barbour, Brown, Fromentin, Goldsborough, Hanson, Hardin, Horsey, Hunter, King, Lacock, Mason of New Hampshire, Mason of Virginia, Morrow, Noble, Roberts, Ruggles, Sanford, Stokes, Tait, Taylor, Wells, and Wilson.

The bill was read a third time as amended; and on the question, "Shall this bill pass as amended?" it was determined in the affirmative—yeas 20, nays 15, as follows:

YEAS—Messrs. Barbour, Brown, Fromentin, Goldsborough, Hanson, Hardin, Horsey, King, Lacock, Mason, of New Hampshire, Mason of Virginia, Morrow, Roberts, Ruggles, Sanford, Stokes, Tait, Taylor, Wells, and Wilson.

NAYS—Messrs. Ashmun, Campbell, Chace, Daggett, Dana, Gaillard, Howell, Hunter, Macon, Smith, Thompson, Tichenor, Troup, Varnum, and Williams.

So it was *Resolved*, That this bill pass with amendments.

The title was amended to read—"An act to set apart and pledge certain funds for internal improvement."

DISTRICT BANKS.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to incorporate the subscribers to certain banks in the District of Columbia; and Mr. VARNUM was requested to take the Chair.

On motion by Mr. KING, that the further consideration thereof be postponed until the fourth day of March next, it was determined in the negative—yeas 12, nays 23, as follows:

YEAS—Messrs. Ashmun, Condit, Hunter, King, Macon, Mason of New Hampshire, Morrow, Smith, Tait, Thompson, Tichenor, and Williams.

NAYS—Messrs. Barbour, Brown, Campbell, Chace, Daggett, Dana, Fromentin, Gaillard, Goldsborough, Hanson, Horsey, Howell, Mason of Virginia, Noble, Roberts, Ruggles, Sanford, Stokes, Taylor, Troup, Varnum, Wells, and Wilson.

The bill having been amended, the PRESIDENT resumed the Chair, and it was reported to the House accordingly; and the amendments having been concurred in, and the bill further amended, on the question, "Shall this bill be engrossed and read a third time?" it was determined in the affirmative.

SATURDAY, March 1.

Mr. HUNTER, from the Committee of Commerce and Manufactures, to whom was referred the bill, entitled, "An act for the relief of Isaac Lawrence and others, merchants, residing in the city of New York," reported it without amendment.

Mr. HUNTER, from the same committee, to whom was referred the petition of William G. Ridgely, of Georgetown, in the District of Columbia, made report. Whereupon,

Resolved, That the prayer of the petitioner ought not to be granted, and that he have leave to withdraw his petition.

Mr. WILLIAMS, from the Committee on Military Affairs, to whom was referred the bill entitled "An act for the relief of Charles Williams," reported it without amendment.

Mr. WILLIAMS, from the same committee, to whom was referred the bill, entitled "An act for the relief of Mary Wells," also reported it without amendment.

Mr. CHACE, from the Committee on the Judiciary, to whom was referred the bill, entitled "An act supplementary to the act, entitled 'An act directing the disposition of money paid into the courts of the United States,'" reported it without amendment.

The Senate resumed the consideration of the bill respecting persons escaping from the service of their masters; and, on motion by Mr. TAIT, the further consideration thereof was postponed until the 4th day of March, instant.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to secure, in certain cases, the bounty in land to the heirs of deceased soldiers, and no amendment having been made thereto, the PRESIDENT reported it to the House; and, on the question, "Shall this bill be engrossed and read a third time?" it was determined in the affirmative.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act repealing the act, entitled 'An act for the safe-keeping and accommodation of prisoners of war,' passed July 6th, 1812," and no amendment having been made thereto, the PRESIDENT reported it to the House; and it passed to a third reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to amend an act for organizing the General Staff, and making further provision for the Army of the United States; and no amendment having been made thereto, the PRESIDENT reported it to the House accordingly; and on the question, "Shall this bill be engrossed and read a third time?" it was determined in the affirmative.

A message from the House of Representatives informed the Senate that the House have passed a bill entitled "An act to provide for furnishing the house of the President of the United States;" a bill, entitled "An act to continue in force an act, entitled 'An act relating to settlers on lands of the United States;'" a bill, entitled "An act for the relief of Joseph Summers and John Allen;" a bill, entitled "An act making provision for the location of the lands reserved by the first article of the treaty of the ninth of August, 1814, between the United States and the Creek nation, to

certain chiefs and warriors of that nation, and for other purposes;" a bill, entitled "An act for the relief of the widow and children of Abraham Owen;" a bill, entitled "An act for the relief of Thomas and John Clifford, Elisha Fisher & Co., and Thomas Clifford, and Thomas Clifford & Son;" a bill, entitled "An act making further provision for repairing the public buildings and improving the public square;" a bill, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit;" a bill, entitled "An act respecting the district court of the United States in the northern district of New York;" a bill, entitled "An act to continue in force the second section of the act, entitled 'An act supplementary to an act to regulate the duties on imports and tonnage;" a bill, entitled "An act transferring the duties of Commissioner of Loans to the Bank of the United States, and abolishing the office of Commissioner of Loans;" also a bill, entitled "An act to fix the peace establishment of the marine corps;" in which bills they request the concurrence of the Senate. They have also passed the bill entitled "An act to provide for reports of the decisions of the Supreme Court," with an amendment, in which they request the concurrence of the Senate. Also, the bill entitled "An act to provide for the prompt settlement of public accounts," with amendments, in which they request the concurrence of the Senate. They have also passed the bill, entitled "An act to set apart and dispose of certain public lands for the encouragement of the cultivation of the vine and olive," with amendments, in which they request the concurrence of the Senate.

The Senate proceeded to consider the amendments of the House of Representatives to the bill last mentioned, and concurred therein.

The Senate proceeded to consider the amendments to the bill, entitled "An act to provide for the prompt settlement of public accounts," and concurred therein, with an amendment.

The Senate proceeded to consider the amendment of the House of Representatives to the bill, entitled "An act to provide for the reports of decisions of the Supreme Court," and concurred therein.

The twelve bills last brought up for concurrence were read, and severally passed to the second reading.

The bill entitled "An act making further provision for repairing the public buildings and improving the public square" was read the second time by unanimous consent, and referred to the Committee on the District of Columbia, to consider and report thereon.

The bill entitled "An act transferring the duties of Commissioner of Loans to the Bank of the United States, and abolishing the office of Commissioner of Loans," was read the second time by unanimous consent, and referred to the Committee on Finance, to consider and report thereon.

The bill entitled "An act to continue in force the second section of the act, entitled 'An act supplementary to an act to regulate the duties on imports and tonnage," was read the second time by unanimous consent, and referred to the Committee on Commerce and Manufactures, to consider and report thereon by bill or otherwise.

The bill entitled "An act respecting the district court of the United States in the northern district of New York" was read the second time by unanimous consent, and referred to the Committee on the Judiciary, to consider and report thereon.

The bill entitled "An act to fix the Peace Establishment of the Marine Corps" was read the second time by unanimous consent, and referred to the Committee on Naval Affairs, to consider and report thereon.

The bill entitled "An act for the relief of John and Thomas Clifford, Elisha Fisher & Co., and Thomas Clifford, and Thomas Clifford and Son," was read the second time by unanimous consent, and referred to the same committee, to consider and report thereon.

The bill entitled "An act to continue in force an act, entitled 'An act relating to settlers on lands of the United States," was read the second time by unanimous consent, and referred to the Committee on the Public Lands, to consider and report thereon.

The bill entitled "An act for the relief of Joseph Summers and John Allen" was read the second time by unanimous consent, and referred to the last-mentioned committee, to consider and report thereon.

The bill entitled "An act making provision for the location of lands reserved by the first article of the treaty of the 9th of August, 1814, between the United States and the Creek nation, to certain chiefs and warriors of that nation, and for other purposes," was read the second time by unanimous consent, and referred to the same committee, to consider and report thereon.

The bill entitled "An act for the relief of the widow and children of Abraham Owen" was read the second time by unanimous consent, and referred to the Committee on Military Affairs, to consider and report thereon.

The bill entitled "An act allowing further time for entering donation rights to lands in the district of Detroit" was read the second time by unanimous consent.

The bill entitled "An act to provide for furnishing the house of the President of the United States" was read the second time by unanimous consent, and considered as in Committee of the Whole; and no amendment having been made thereto, the PRESIDENT reported it to the House, and it passed to a third reading.

The resolution to make an additional allowance to Robert Tweedy and others was read a third time, and passed, as follows:

Resolved, That there be paid out of the contingent fund of this House to Robert Tweedy, Tobias Simpson, and George Hicks, the sum of one hundred dollars each for extra services.

The bill to incorporate the subscribers to certain banks in the District of Columbia, having been reported by the Committee correctly engrossed, was read a third time.

Resolved, That this bill pass, and that the title

thereof be, "An act to incorporate the subscribers to certain banks in the District of Columbia, and to prevent the circulation of the notes of unincorporated associations within the said District."

Mr. MORROW, from the Committee on the Public Lands, to whom was referred the amendments of the House of Representatives to the bill, entitled "An act to authorize the appointment of a surveyor for the lands in the northern part of the Mississippi Territory, and the sale of certain lands therein described," made report thereon, which was read and considered. Whereupon,

Resolved, That the Senate concur in some and disagree to other of the said amendments.

The Senate resumed, as in Committee of the Whole, the consideration of the bill providing an additional compensation to the circuit judge of the sixth circuit of the United States; and no amendment having been made thereto, the PRESIDENT reported it to the House, and it was ordered to be engrossed and read a third time.

The PRESIDENT communicated to the Senate the following letter from the President elect of the United States:

CITY of WASHINGTON, *March* 1, 1817.

SIR: I beg leave, through you, to inform the honorable Senate of the United States, that I propose to take the oath which the Constitution prescribes to the President of the United States, before he enters on the execution of his office, on Tuesday the 4th instant, at 12 o'clock, in the Chamber of the House of Representatives.

I have the honor to be, &c.

JAMES MONROE.

Hon. JOHN GAILLARD,
President of the Senate.

Whereupon, on motion by Mr. BARBOUR,

Resolved, That a committee be appointed to make such arrangements as may be necessary for the reception of the President of the United States, on the occasion of his inauguration.

Ordered, That Mr. BARBOUR, Mr. GOLDSBOROUGH, and Mr. TROUP, be the committee.

Mr. TICHENOR, from the Committee of Claims, to whom was referred the bill entitled "An act for the relief of William Oliver," reported it without amendment.

Mr. TICHENOR, from the same committee, to whom was referred the bill entitled "An act for the relief of George Buckmaster," also reported it without amendment.

Mr. CAMPBELL, from the Committee on Finance, to whom was referred the bill entitled "An act making additional appropriations to defray the expenses of the army and militia during the late war with Great Britain," reported it with amendments, which were read.

Mr. WILLIAMS, from the Committee on Military Affairs, to whom was referred the bill entitled "An act for the relief of the widow and children of Abraham Owen," reported it without amendment.

Mr. WILLIAMS, from the same committee, to whom was referred the bill, entitled "An act for the relief of Caleb Nicholls," also reported it without amendment.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to continue in force "An act further to provide for the collection of duties on imports and tonnage," passed the 3d day of March, 1813, and for other purposes, and the bill having been amended, the PRESIDENT reported it to the House accordingly, and it was ordered to be engrossed and read a third time.

A message from the House of Representatives informed the Senate that they have concurred in the amendments of the Senate to the bill, entitled "An act to amend the act authorizing the payment for property lost, captured, or destroyed by the enemy, while in the military service of the United States, and for other purposes,' passed the 9th of April, 1816," with an amendment, in which they request the concurrence of the Senate.

The Senate proceeded to consider the amendment of the House of Representatives to the amendments of the Senate to the bill last mentioned, and concurred therein.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to extend the charters of certain banks in the District of Columbia, and for other purposes; and on motion by Mr. GOLDSBOROUGH, the further consideration thereof was postponed until the 4th day of March next.

On motion by Mr. MORROW,

Resolved, That the Committee on Public Lands be directed to report a bill for continuing in force an act establishing trading houses with the Indian tribes, which will expire on the 4th instant. Whereupon,

Mr. MORROW, from said committee, reported a bill to continue in force an act, entitled "An act for establishing trading houses with the Indian tribes;" and the bill was read the first and second times by unanimous consent, and considered as in Committee of the Whole; and no amendment having been made thereto, the PRESIDENT reported it to the House; and on the question, "Shall this bill be engrossed and read a third time?" it was determined in the affirmative.

Mr. BARBOUR, from the committee appointed on the subject, made report. Whereupon,

Resolved, That the Secretary of the Senate inform the House of Representatives that the President elect of the United States will, on Tuesday next, at 12 o'clock, take the oath of office required by the Constitution, in the Chamber of the House of Representatives; and that he also inform the President elect that the Senate will be in session at that time.

Mr. KING, from the Committee on Finance, reported a bill making appropriation for carrying into effect certain Indian treaties; and the bill was read, and passed to the second reading.

Mr. KING, from the same committee, to whom was referred the bill, entitled "An act respecting the assessment and collection of the direct tax," reported it with amendments, which were read, and considered as in Committee of the Whole, and the amendments having been agreed to, the

PRESIDENT reported the bill to the House accordingly; and the amendments having been concurred in, on the question, "Shall the amendments be engrossed, and the bill be read a third time as amended?" it was determined in the affirmative.

Mr. KING, from the Committee on Finance, to whom was referred the bill, entitled "An act to provide for the redemption of the public debt," reported it with amendments, which were read, and considered as in Committee of the Whole, and having been agreed to, the PRESIDENT reported the bill to the House accordingly; and the amendments having been concurred in, on the question, "Shall the amendments be engrossed, and the bill be read a third time as amended?" it was determined in the affirmative.

Mr. DANA, from the committee to whom was referred so much of the Message of the President of the United States as relates to weights and measures, reported the following resolution:

Resolved, That it be referred to the Secretary of State, to prepare and report to the Senate a statement relative to the regulation and standard for weights and measures in the several States, and relative to proceedings in foreign countries for establishing uniformity in weights and measures, together with such propositions relative thereto as may be proper to be adopted in the United States.

The Senate resumed, as in Committee of the Whole, the consideration of the bill authorizing the payment of a sum of money to the State of Georgia, under the articles of agreement and cession between the United States and that State; and no amendment having been made thereto, the PRESIDENT reported it to the House, and the bill was ordered to be engrossed and read a third time.

Mr. TAIT, from the Committee on Naval Affairs, to whom was referred the bill, entitled "An act to fix the Peace Establishment of the marine corps," reported it without amendment.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to alter the time for the next meeting of Congress; and, no amendment having been made thereto, the PRESIDENT reported it to the House, and on the question, "Shall this bill be engrossed, and read a third time?" it was determined in the negative.

Mr. CAMPBELL, from the Committee on Finance, to whom was referred the bill, entitled "An act authorizing the Secretary of the Treasury to pay to the State of Georgia fifteen per cent. upon the quota of direct tax for the year 1816, assumed and paid by that State," reported it without amendment.

Mr. CAMPBELL, from the same committee, to whom was referred the bill, entitled "An act to repeal so much of any acts now in force as authorizes a loan of money, or an issue of Treasury notes," reported it without amendment.

Mr. CAMPBELL, from the same committee, to whom was referred the bill, entitled "An act supplementary to 'An act to regulate duties on imports and tonnage,'" also reported it without amendment.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act concerning the compensation of the district attorney for the district of Massachusetts;" and, on motion by Mr. DAGGETT, the further consideration thereof was postponed until the fourth of March instant.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act making appropriations for the support of the Navy of the United States, for the year 1817;" and, the bill having been amended, the PRESIDENT reported it to the House accordingly; and the amendment having been concurred in, on the question, "Shall the amendment be engrossed, and the bill be read a third time as amended?" it was determined in the affirmative.

NEUTRAL RELATIONS.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act more effectually to preserve the neutral relations of the United States," together with the amendments reported thereto by the Committee on Foreign Relations.

On motion by Mr. SMITH that the further consideration thereof be postponed until the 4th of March, instant, it was determined in the negative—yeas 8, nays 28, as follows:

YEAS—Messrs. Chace, Dana, Fromentin, Gaillard, Noble, Smith, Williams, and Wilson.

NAYS—Messrs. Ashmun, Barbour, Campbell, Condit, Daggett, Goldsborough, Hardin, Horsey, Howell, Hunter, King, Lacock, Macon, Mason of New Hampshire, Mason of Virginia, Morrow, Roberts, Ruggles, Sanford, Stokes, Tait, Talbot, Taylor, Thompson, Tichenor, Troup, Varnum, and Wells.

On the question to agree to the following amendment, reported by the Committee of Foreign Relations:

"SEC. 2. *And be it further enacted*, That the owners of all armed ships sailing out of the ports of the United States, and owned wholly or in part by citizens thereof, shall enter into bond to the United States, with sufficient sureties, prior to clearing out the same, in double the amount of the value of the vessel and cargo on board, including her armament, that the said ship or vessel shall not be employed by such owners in cruising or committing hostilities, or in aiding or co-operating in any warlike measure against the subjects, citizens, or property, of any Prince or State, or of any colony, district, or people, with whom the United States are at peace"—

It was determined in the affirmative—yeas 17, nays 13, as follows:

YEAS—Messrs. Barbour, Daggett, Hardin, Horsey, King, Lacock, Macon, Mason of Virginia, Morrow, Sanford, Stokes, Tait, Talbot, Taylor, Tichenor, Troup, and Wells.

NAYS—Messrs. Campbell, Chace, Condit, Dana, Fromentin, Gaillard, Howell, Noble, Ruggles, Smith, Varnum, Williams, and Wilson.

The amendments having been agreed to, with a further amendment, the PRESIDENT reported the bill to the House accordingly, and the amendments having been concurred in, on the question

"Shall the amendments be engrossed and the bill be read a third time as amended?" it was determined in the affirmative.

MONDAY, March 3.

Mr. CAMPBELL, from the Committee on Finance, to whom was referred the bill, entitled "An act transferring the duties of Commissioner of Loans to the Bank of the United States, and abolishing the office of Commissioner of Loans," reported it without amendment; and the bill was considered as in Committee of the Whole, and, having been amended, the PRESIDENT reported it to the House accordingly; and the amendments having been concurred in, on the question, "Shall the amendments be engrossed, and the bill be read a third time as amended?" it was determined in the affirmative.

The amendments having been reported by the committee correctly engrossed, the bill was read a third time as amended, by unanimous consent, and passed with amendments.

Mr. HUNTER, from the Committee on Commerce and Manufactures, to whom was referred the bill, entitled "An act for the relief of Thomas and John Clifford, Elisha Fisher and Company, and Thomas Clifford, and Thomas Clifford and Son," reported it without amendment; and the bill was considered as in Committee of the Whole, and, no amendment having been made thereto, the PRESIDENT reported it to the House; and on the question, "Shall this bill be read a third time?" it was determined in the negative. So the bill was lost.

Mr. HUNTER, from the same committee, to whom was referred the bill, entitled "An act authorizing the deposite of the papers of foreign vessels with the Consuls of their respective nations," reported it without amendment; and the bill was considered as in Committee of the Whole, and, no amendment having been made thereto, the PRESIDENT reported it to the House.

Ordered, That it pass to a third reading; and it was read a third time, by unanimous consent, and passed.

On motion by Mr. LACOCK,

Resolved, That the Secretary of the Treasury be directed to prepare and report to the Senate, at the next session of Congress, a plan for the application of the means provided by law, or such as are in the power of Congress, for the purpose of opening roads or making canals, and such other information as he may consider material in relation to the objects aforesaid.

Mr. MORROW, from the Committee on Public Lands, to whom was referred the bill, entitled "An act to continue in force an act, entitled 'An act relating to settlers on the lands of the United States,'" reported it without amendment.

Mr. MORROW, from the same committee, to whom was referred the bill, entitled "An act for the relief of Joseph Summers and John Allen," also reported it without amendment.

Mr. CHACE, from the Committee on the Judiciary, to whom was referred the bill, entitled "An act respecting the district courts of the United States, in the northern district of New York," reported it without amendment.

Mr. ROBERTS, from the Committee of Claims, to whom was referred the bill, entitled "An act for the relief of Jumonville de Villiers," reported it without amendment.

Mr. ROBERTS, from the same committee, to whom was referred the bill, entitled "An act for the relief of James Villere," reported it without amendment.

Mr. ROBERTS, from the same committee, to whom was referred the bill, entitled "An act for the relief of Asa Wells," reported it without amendment.

Mr. ROBERTS, from the same committee, to whom was referred the bill, entitled "An act for the relief of Antoine Bienvenue," reported it without amendment.

Mr. ROBERTS, from the same committee, to whom was referred the bill, entitled "An act for the relief of Barthelemy Duverger," reported it without amendment.

Mr. ROBERTS, from the same committee, to whom was referred the bill, entitled "An act for the relief of James H. Boisgervais," reported it without amendment.

Mr. ROBERTS, from the same committee, to whom was referred the bill, entitled "An act for the relief of James Orr," reported it without amendment.

Mr. ROBERTS, from the same committee, to whom was referred the bill, entitled "An act for the relief of Joseph J. Green," reported it without amendment.

Mr. ROBERTS, from the same committee, to whom was referred the bill, entitled "An act for the relief of Jame Caze and John Richaud," reported it without amendment.

Mr. ROBERTS, from the same committee, to whom was referred the bill, entitled "An act for the relief of Madame Montreuil," reported it without amendment.

Mr. ROBERTS, from the same committee, to whom was referred the bill, entitled "An act for the relief of Peter Casard," reported it without amendment.

Mr. ROBERTS, from the same committee, to whom was referred the bill, entitled "An act for the relief of Peyton Short," reported it without amendment.

Mr. ROBERTS, from the same committee, to whom was referred the bill, entitled "An act for the relief of Alexander Holmes and Benjamin Hough," also reported it without amendment.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act making additional appropriations to defray the expenses of the army and militia during the late war with Great Britain," together with the amendments reported thereto by the Committee on Finance; and, the amendments having been agreed to, the PRESIDENT reported the bill to the House accordingly; and, the amendments having been concurred in, on the question, "Shall the amendments be engrossed, and the bill be read a

third time as amended?" it was determined in the affirmative. And the said amendments having been reported by the committee correctly engrossed, the bill was read a third time as amended, by unanimous consent, and passed with amendments.

Mr. HOWELL, from the Committee on Pensions, to whom was referred the bill, entitled "An act for the relief of invalid pensioners," reported it with amendments, which were read, and considered as in Committee of the Whole; and, having been agreed to, the PRESIDENT reported the bill to the House accordingly; and, the amendments having been concurred in, on the question, "Shall the amendments be engrossed, and the bill be read a third time as amended?" it was determined in the affirmative. The said amendments having been reported by the committee correctly engrossed, the bill was read a third time as amended, by unanimous consent, and passed with amendments.

Mr. ROBERTS, from the Committee on Pensions, to whom were referred the cases of Alexander Patterson, Jedediah Smith, Joel Cook, Peter Mills, James Gorham, James Green, the children of Captain Logan, (an Indian,) Nicholas Boome, George Rowles, Randolph Clarkson, Hannah Allen, and Daniel Simonds, made report. Whereupon,

Resolved, That the aforesaid applicants have leave to withdraw their petition and papers.

On motion by Mr. ROBERTS,

Ordered, That the Committee of Claims, to whom were referred the following memorials and petitions, to wit: The memorials of William Patterson, and others, of Baltimore; the petition of Jonas Cutting; the petition of Sarah Jarvis, and others; the petition of Edward Vanhorn; the petition of P. & B. Jourdan; and the petition of the widow Des Londi; be discharged from the further consideration thereof, respectively.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act making an appropriation for marking and cutting out a road therein described;" and, no amendment having been made thereto, the PRESIDENT reported it to the House, and it was ordered to a third reading. It was read a third time, by unanimous consent, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill making appropriation for carrying into effect certain Indian treaties, and the bill having been amended, the PRESIDENT reported it to the House accordingly; and amendments having been concurred in, it was ordered to be engrossed and read a third time.

The bill having been reported by the committee correctly engrossed, was read a third time by unanimous consent.

Resolved, That this bill pass, and that the title thereof be, "An act making appropriation for carrying into effect certain Indian treaties, and for other purposes."

Mr. MASON, of Virginia, from the Committee on the District of Columbia, to whom was referred the bill entitled "An act making further provision for repairing the public buildings, and improving the public square," reported it without amendment; and the bill was considered as in Committee of the Whole, and having been amended, the PRESIDENT reported it to the House accordingly; and the amendment having been concurred in, on the question "Shall the amendment be engrossed, and the bill be read a third time as amended?" it was determined in the affirmative.

The said amendment having been reported by the committee correctly engrossed, the bill was read a third time as amended by unanimous consent, and passed.

Mr. MORROW, from the Committee on Public Lands, to whom was referred the bill, entitled "An act making provision for the location of the lands reserved by the first article of the treaty of the ninth of August, 1814, between the United States and the Creek nation, to certain chiefs and warriors of that nation, and for other purposes," reported it with amendments, which were read, and considered as in Committee of the Whole, and having been agreed to, the PRESIDENT reported the bill to the House accordingly; and the amendments having been concurred in, on the question, "Shall the amendments be engrossed, and the bill be read a third time as amended?" it was determined in the affirmative.

The said amendments having been reported by the committee correctly engrossed, the bill was read a third time as amended by unanimous consent, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill entitled "An act making provision for the support of the Military Establishment for the year 1817," and the bill having been amended, the PRESIDENT reported it to the House accordingly; and the amendment having been concurred in, on the question, "Shall the amendment be engrossed, and the bill be read a third time as amended?" it was determined in the affirmative.

The said amendment having been reported by the committee correctly engrossed, the bill was read a third time as amended by unanimous consent, and passed.

The Senate resumed the consideration of the resolution reported the 1st instant, by Mr. DANA, from the committee to whom was referred so much of the Message of the President of the United States as relates to weights and measures, and agreed thereto.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act authorizing the Secretary of the Treasury to remit the duties therein mentioned;" a bill, entitled "An act for the relief of certain Creek Indians;" a bill, entitled "An act further to regulate the Territories of the United States, and their electing delegates to Congress;" a bill, entitled "An act for the relief of Robert Burnside;" a bill, entitled "An act authorizing the Secretary of the Treasury to cause repayment to be made of certain alien duties;" a bill, entitled "An act supplementary to an act

for the relief of persons imprisoned for debts due the United States;" also, a bill, entitled "An act for the relief of the widows and orphans of the officers, seamen, and marines, who were lost in the United States brig Epervier;" in which bills they request the concurrence of the Senate.

The seven bills last brought up for concurrence were read, and severally passed to the second reading.

The bill entitled "An act authorizing the Secretary of the Treasury to remit the duties therein mentioned," was read the second time by unanimous consent, and referred to the Committee on Finance, to consider and report thereon.

Mr. CAMPBELL, from the committee, reported said bill without amendment.

The bill entitled "An act to regulate the Territories of the United States, and their electing delegates to Congress," was read the second time by unanimous consent, and considered as in Committee of the Whole, and ordered to a third reading; and it was read a third time by unanimous consent, and passed.

The bill entitled "An act for the relief of Robert Burnside," was read the second time by unanimous consent, and referred to the committee on Finance, to consider and report thereon.

Mr. CAMPBELL, from the committee, reported said bill without amendment.

The bill entitled "An act authorizing the Secretary of the Treasury to cause repayment to be made of certain alien duties," was read the second time by unanimous consent, and referred to the Committee on Foreign Relations, to consider and report thereon.

Mr. BARBOUR, from the committee, reported said bill without amendment.

The bill entitled "An act supplementary to 'An act for the relief of persons imprisoned for debts due the United States,'" was read the second time by unanimous consent, and referred to the Committee on Finance, to consider and report thereon.

Mr. CAMPBELL, from the committee, reported said bill without amendment.

The bill entitled "An act for the relief of the widows and orphans of the officers, seamen, and marines, who were lost in the United States' brig Epervier," was read the second time by unanimous consent, and considered as in Committee of the Whole, and no amendment having been made thereto, the PRESIDENT reported it to the House; and it was ordered to a third reading; and it was read a third time by unanimous consent, and passed.

The bill entitled "An act for the relief of certain Creek Indians," was read the second time by unanimous consent, and referred to the Committee on Military Affairs, to consider and report thereon.

Mr. WILLIAMS, from the committee, reported said bill without amendment.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act respecting the pay and emoluments of certain officers of the Army of the United States," and on motion by Mr. WILLIAMS, the further consideration thereof was postponed until the 4th day of March, instant.

The Senate resumed, as in Committee of the Whole, the consideration of the bill giving the right of pre-emption in the purchase of a tract of land in the reservation of the Lower Rapids of Sandusky, and no amendment having been made thereto, the PRESIDENT reported it to the House; and it was ordered to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to establish post roads, and the bill having been amended, the PRESIDENT reported it to the House accordingly; and the amendments having been concurred in, on the question, "Shall this bill be engrossed and read a third time?" it was determined in the affirmative; and the bill having been reported by the committee correctly engrossed, it was read a third time by unanimous consent, and passed.

The bill to amend an act for organizing the General Staff, and making further provision for Army of the United States, was read a third time and passed.

The resolution to authorize the pay to the assistants of the Sergeant-at-Arms and Doorkeeper of the Senate, was read a third time, and passed as follows:

Resolved, That Robert Tweedy, Tobias Simpson, and George Hicks, assistants to the Sergeant-at-Arms and Doorkeeper of the Senate, be paid, out of the contingent fund, two dollars a day, for each day they may have attended the Senate during the present session of Congress; and that Charles Tims be allowed one hundred dollars for his attendance during the present session.

The bill to continue in force an act, entitled "An act further to provide for the collection of duties on imports and tonnage, passed the 3d day of March, 1815, and for other purposes," was read a third time, and passed.

The bill authorizing the payment of a sum of money to the State of Georgia, under the articles of agreement and cession between the United States and that State, was read a third time, and passed.

The bill providing an additional compensation to the circuit judge of the sixth circuit court of the United States, was read a third time, and the blank filled with "1,800."

Resolved, That this bill pass, and that the title thereof be, "An act providing an additional compensation to the circuit judge of the sixth circuit of the United States."

The bill to secure, in certain cases, the bounty in land to the heirs of deceased soldiers, was read a third time, and passed.

On motion by Mr. CAMPBELL, the Committee on Finance, to whom was referred the petition of Samuel Upton and Thomas Adams, were discharged from the further consideration thereof.

The bill to continue in force an act, entitled "An act for establishing trading houses with the Indian tribes," was read a third time, and passed.

The bill, entitled "An act repealing the act, entitled 'An act for the safe keeping and accom-

modation of prisoners of war,' passed July 6th, 1812," was read a third time, and passed.

The bill, entitled "An act to provide for furnishing the house of the President of the United States," was read a third time, and passed.

The amendment to the bill, entitled "An act making appropriations for the support of the Navy of the United States for the year 1817," having been reported by the committee correctly engrossed, the bill was read a third time as amended, and passed.

The amendment to the bill, entitled "An act more effectually to preserve the neutral relations of the United States," having been reported by the committee correctly engrossed, the bill was read a third time as amended.

On the question—"Shall this bill pass as amended?" it was determined in the affirmative—yeas 23, nays 10, as follows:

YEAS—Messrs. Ashmun, Barbour, Campbell, Daggett, Goldsborough, Hanson, Hardin, Howell, Hunter, King, Lacock, Macon, Morrow, Roberts, Ruggles, Sanford, Stokes, Tait, Talbot, Taylor, Tichenor, Troup, and Wells.

NAYS—Messrs. Brown, Chace, Dana, Fromentin, Gaillard, Mason of New Hampshire, Noble, Smith, Varnum, and Wilson.

So it was *Resolved*, That this bill pass with an amendment.

The amendments to the bill, entitled "An act respecting the assessment and collection of the direct tax," having been reported by the committee correctly engrossed, the bill was read a third time as amended, and passed.

The amendments to the bill, entitled "An act to provide for the redemption of the public debt," having been reported by the committee correctly engrossed, the bill was read a third time as amended, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to amend an act, entitled 'An act making further provision for military services during the late war, and for other purposes,'" together with the amendment reported thereto by the Committee on Military Affairs, and the amendment having been agreed to, with an additional amendment the PRESIDENT reported the bill to the House accordingly; and the amendment having been concurred in, on the question, "Shall the amendments be engrossed, and the bill read a third time as amended?" it was determined in the affirmative.

The amendments to the bill having been reported by the committee correctly engrossed, it was read a third time by unanimous consent, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to prevent the discontinuance of the business of the Supreme Court in certain cases; and on motion, the further consideration thereof was postponed until the 4th day of March instant.

The Senate resumed, as in Committee of the Whole, the consideration of the bill compensating Peter Hagner, and no amendment having been made thereto, the PRESIDENT reported it to the House, and it was ordered to be engrossed and read a third time. The bill was then read a third time by unanimous consent, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act directing the transfer of unclaimed pensions, and limiting the payment at the Treasury only;" and on motion, by Mr. WILSON, the further consideration thereof was postponed until the 4th day of March instant.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to amend the act, entitled 'An act granting bounties, in land and extra pay, to certain Canadian volunteers,' passed 5th March, 1816," and no amendment having been made thereto, the PRESIDENT reported it to the House; and it was ordered to a third reading, and it was read a third time, by unanimous consent and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to authorize the extension of the Columbia Turnpike Road, within the District of Columbia," and no amendment having been made thereto, the PRESIDENT reported it to the House, and it was ordered to a third reading, and it was read a third time, by unanimous consent, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of certain officers," and no amendment having been made thereto, the PRESIDENT reported it to the House, and it was ordered to a third reading; and was read a third time by unanimous consent, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of the heirs of William B. Carter, and no amendment having been made thereto, the PRESIDENT reported it to the House, and it was ordered to be engrossed, and read a third time. It was read a third time by unanimous consent, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the resolution respecting the contracts for the printing for Congress, and no amendment having been made thereto, the PRESIDENT reported it to the House. On the question, "Shall this resolution be engrossed, and read a third time?" it was determined in the affirmative; and the resolution was read a third time by unanimous consent, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act supplementary to an act, entitled 'An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments,'" and no amendment having been made thereto, the PRESIDENT reported it to the House, and it was ordered to a third reading. It was read a third time by unanimous consent, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to amend an act entitled "An act to establish the judicial

courts of the United States," and, on motion, by Mr. MASON, of New Hampshire, the further consideration thereof was postponed until the fourth day of March instant.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Isaac Briggs, and no amendment having been made thereto, the PRESIDENT reported it to the House, and it was ordered to be engrossed, and read a third time. It was read a third time by unanimous consent, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of Isaac Lawrence and others, merchants, residing in the city of New York," and no amendment having been made thereto, the PRESIDENT reported it to the House, and it was ordered to a third reading. It was read a third time by unanimous consent, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of Charles Williams," and no amendment having been made thereto, the PRESIDENT reported it to the House, and it was ordered to a third reading. It was read a third time by unanimous consent, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of William Chism," and no amendment having been made thereto, the PRESIDENT reported it to the House, and it was ordered to a third reading. It was read a third time by unanimous consent, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of Mary Wells," and the bill having been amended, the PRESIDENT reported it to the House accordingly; and the amendments having been concurred in, on the question, "Shall the amendments be engrossed, and the bill be read a third time as amended?" it was determined in the affirmative.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act authorizing the payment of a sum of money to the State of Georgia, under the articles of agreement and cession between the United States and that State;" a bill, entitled "An act for the relief of Henry Lee;" a bill, entitled "An act to alter and establish certain post roads;" a bill, entitled "An act for erecting a light-house on the west chop of Holmes's Hole harbor, in the State of Massachusetts;" a bill, entitled "An act authorizing the payment of a sum of money to Teakle Savage, and others;" and a bill, entitled "An act authorizing the payment of a sum of money to Nathaniel Seavey, and others;" in which bills they request the concurrence of the Senate.

The seven bills last mentioned were read, and severally passed to the second reading.

The bill, entitled "An act for the relief of Henry Lee," was read the second time by unanimous consent, and referred to the Committee on Finance, to consider and report thereon.

Mr. CAMPBELL, from the committee, reported said bill without amendment.

The bill, entitled "An act respecting the compensation of the collectors therein mentioned," was read the second time by unanimous consent, and referred to the Committee on Finance, to consider and report thereon.

Mr. CAMPBELL, from the committee, reported said bill without amendment.

The bill, entitled "An act authorizing the payment of a sum of money to the State of Georgia, under the articles of agreement and cession between the United States and that State," was read the second time by unanimous consent.

The bill, entitled "An act to alter and establish certain post roads," was read the second time by unanimous consent, and referred to the Committee on Post Offices and Post Roads, to consider and report thereon.

The bill, entitled "An act for erecting a light-house on the west chop of Holmes's Hole harbor, in the State of Massachusetts," was read the second time by unanimous consent, and referred to the Committee on Commerce and Manufactures, to consider and report thereon.

The bill, entitled "An act authorizing the payment of a sum of money to Teakle Savage, and others," was read the second time by unanimous consent, and referred to the Committee on Naval Affairs, to consider and report thereon.

The bill, entitled "An act authorizing the payment of a sum of money to Nathaniel Seavey, and others," was read the second time by unanimous consent, and referred to the same committee to consider and report thereon.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act supplementary to the act, entitled 'An act directing the disposition of money paid into the courts of the United States," and no amendment having been made thereto, the PRESIDENT reported it to the House, and it was ordered to a third reading. It was read a third time by unanimous consent, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit," and no amendment having been made thereto, the PRESIDENT reported it to the House, and it was ordered to a third reading. It was read a third time by unanimous consent, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of William Oliver," and no amendment having been made thereto, the PRESIDENT reported it to the House, and it was ordered to a third reading; and was read a third time by unanimous consent, and passed.

The Senate adjourned to five o'clock in the evening.

Evening Session—5 o'clock.

A message from the House of Representatives informed the Senate that they have disagreed to the amendments of the Senate to the bill, enti-

tled "An act to provide for the redemption of the public debt." They have passed a bill, entitled "An act to regulate the trade in plaster of Paris;" in which bill they request the concurrence of the Senate.

The bill last mentioned was read the first and second time by unanimous consent, and considered as in Committee of the Whole, and having been amended, the PRESIDENT reported it to the House accordingly; and the amendment having been concurred in, on the question, "Shall the amendment be engrossed, and the bill be read a third time as amended?" it was determined in the affirmative—yeas 32, nays 3, as follows:

YEAS—Messrs. Ashmun, Barbour, Brown, Campbell, Chace, Condit, Daggett, Dana, Fromentin, Gaillard, Hardin, Horsey, Howell, Hunter, King, Lacock, Macon, Morrow, Noble, Roberts, Ruggles, Sanford, Smith, Stokes, Tait, Talbot, Thompson, Tichenor, Troup, Varnum, Williams, and Wilson.

NAYS—Messrs. Hanson, Mason of Virginia, and Taylor.

The said amendment having been reported by the committee correctly engrossed, the bill was read a third time by unanimous consent, and passed.

The Senate proceeded to consider their amendments to the bill, entitled "An act to provide for the redemption of the public debt," disagreed to by the House of Representatives, and receded therefrom.

Mr. ROBERTS, from the Committee on Claims, to whom was referred the bill, entitled "An act for the relief of Madame Montreuil," reported it without amendment, and the bill was considered as in Committee of the Whole, and ordered to a third reading. It was read a third time, by unanimous consent, and passed.

Mr. ROBERTS, from the Committee of Claims, to whom was referred the bill, entitled "An act for the relief of John de Castanado," reported it without amendment, and the bill was considered as in Committee of the Whole, and ordered to a third reading. It was read a third time, by unanimous consent, and passed.

Mr. ROBERTS, from the same committee, to whom was referred the bill, entitled "An act for the relief of Peter Kindall," reported it without amendment, and the bill was considered as in Committee of the Whole, and ordered to a third reading. It was read a third time, by unanimous consent, and passed.

Mr. WILSON, from the Committee on the Post Office and Post Roads, to whom was referred the bill, entitled "An act to alter and establish certain post roads," reported it with amendments; which were read, and considered as in Committee of the Whole; and the amendments having been concurred in, on the question, "Shall the amendments be engrossed, and the bill be read a third time as amended?" it was determined in the affirmative.

The said amendments having been reported by the committee correctly engrossed, the bill was read a third time as amended, by unanimous consent, and passed.

Mr. HUNTER, from the Committee on Commerce and Manufactures, to whom was referred the bill, entitled "An act for erecting a light-house on the west chop of Holmes's Hole harbor, in the State of Massachusetts," reported it without amendment; and the bill was considered as in Committee of the Whole, and ordered to a third reading. It was read a third time, by unanimous consent, and passed.

The amendment to the bill, entitled "An act for the relief of Mary Wells," having been reported by the committee correctly engrossed, the third reading of the bill was objected to by Mr. ROBERTS, as being against the rule. And, on motion by Mr. WILLIAMS, it was agreed to suspend the twelfth rule for conducting business in the Senate, to the end of the present session. And the bill was read a third time as amended, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of George Buckmaster," and no amendment having been made thereto, the PRESIDENT reported it to the House, and it was ordered to a third reading. It was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of the widow and children of Abraham Owen," and the bill having been amended, the PRESIDENT reported it to the House accordingly; and the amendment having been concurred in, on the question "Shall the amendment be engrossed, and the bill be read a third time as amended?" it was determined in the affirmative.

The said amendment having been reported by the Committee correctly engrossed, the bill was read a third time as amended, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of Caleb Nicholls," and no amendment having been made thereto, the PRESIDENT reported it to the House, and it was ordered to a third reading. It was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill entitled "An act authorizing the Secretary of the Treasury to pay to the State of Georgia fifteen per cent. upon the quota of direct tax for the year 1816, assumed and paid by that State," and no amendment having been made thereto, the PRESIDENT reported it to the House, and it was ordered to a third reading. It was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to fix the peace establishment of the marine corps," and no amendment having been made thereto, the PRESIDENT reported it to the House, and it was ordered to a third reading. It was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to repeal so much of any acts now in force as authorizes a loan of money or an issue of Treas-

ury notes," and no amendment having been made thereto, the PRESIDENT reported it to the House, and it was ordered that it pass to a third reading. It was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill entitled "An act supplementary to an act to regulate the duties on imports and tonnage," and no amendment having been made thereto, the PRESIDENT reported it to the House, and it was ordered to a third reading. It was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to continue in force an act, entitled 'An act relating to settlers on lands of the United States," and no amendment having been made thereto, the PRESIDENT reported it to the House, and it was ordered to a third reading. It was read a third time, and passed.

VETO MESSAGE.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to incorporate the subscribers to certain banks in the District of Columbia, and to prevent the circulation of the notes of unincorporated associations within the said District," with amendments, in which they request the concurrence of the Senate. They have also passed a bill, entitled "An act for the relief of Anthony Buck," in which they request the concurrence of the Senate. The bill which had passed both Houses of Congress at the present session, entitled "An act to set apart and pledge certain funds for internal improvements," and presented to the President of the United States for his approbation, has been returned by the President of the United States with the following objections:

To the House of Representatives
of the United States:

Having considered the bill this day presented to me, entitled "An act to set apart and pledge certain funds for internal improvements," and which sets apart and pledges certain funds "for constructing roads and canals, and improving the navigation of water courses, in order to facilitate, promote, and give security to internal commerce among the several States, and to render more easy and less expensive the means and provisions for the common defence;" I am constrained, by the insuperable difficulty I feel in reconciling the bill with the Constitution of the United States, to return it with that objection to the House of Representatives, in which it originated.

The legislative powers vested in Congress are specified and enumerated in the eighth section of the first article of the Constitution; and it does not appear that the power proposed to be exercised by the bill is among the enumerated powers; or that it falls, by any just interpretation, within the power to make laws necessary and proper for carrying into execution those or other powers vested by the Constitution in the Government of the United States.

"The power to regulate commerce among the several States," cannot include a power to construct roads and canals, and to improve the navigation of water-courses, in order to facilitate, promote, and secure such a commerce, without a latitude of construction departing from the ordinary import of the terms, strengthened by the known inconveniences which doubtless led to the grant of this remedial power to Congress.

To refer the power in question to the clause "to provide for the common defence and general welfare," would be contrary to the established and consistent rules of interpretation; as rendering the special and careful enumeration of powers, which follow the clause, nugatory and improper. Such a view of the Constitution would have the effect of giving to Congress a general power of legislation, instead of the defined and limited one hitherto understood to belong to them; the terms "common defence and general welfare," embracing every object and act within the purview of a legislative trust. It would have the effect of subjecting both the Constitution and laws of the several States, in all cases not specially exempted, to be superseded by laws of Congress; it being expressly declared "that the Constitution of the United States, and laws made in pursuance thereof, shall be the supreme law of the land, and the judges of every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding." Such a view of the Constitution, finally, would have the effect of excluding the judicial authority of the United States from its participation in guarding the boundary between the Legislative powers of the General and the State Governments; inasmuch as questions relating to the general welfare, being questions of policy and expediency, are unsusceptible of judicial cognizance and decision.

A restriction of the power "to provide for the common defence and general welfare," to cases which are to be provided for by the expenditure of money, would still leave within the legislative power of Congress all the great and most important measures of Government; money being the ordinary and necessary means of carrying them into execution.

If a general power to construct roads and canals, and to improve the navigation of water-courses, with the train of powers incident thereto, be not possessed by Congress, the assent of the States in the mode provided in the bill cannot confer the power. The only cases in which the consent and cession of particular States can extend the power of Congress, are those specified and provided for in the Constitution.

I am not unaware of the great importance of roads and canals, and the improved navigation of water-courses; and that a power in the National Legislature to provide for them might be exercised with signal advantage to the general prosperity. But seeing that such a power is not expressly given by the Constitution; and believing that it cannot be deduced from any part of it without an inadmissible latitude of construction, and a reliance on insufficient precedents; believing, also, that the permanent success of the Constitution depends on the definite partition of powers between the General and the State Governments, and that no adequate landmarks would be left by the constructive extension of the powers of Congress, as proposed in this bill, I have no option but to withhold my signature from it; and cherishing the hope that its beneficial objects may be attained by a resort for the necessary powers, to the same wisdom and virtue in the nation which established the Constitution in its actual form and providently marked out, in the instrument itself

a safe and practicable mode of improving it, as experience might suggest.

JAMES MADISON.

MARCH 3, 1817.

And the House of Representatives, in which House the bill originated, have taken the question as prescribed by the Constitution of the United States, and have resolved, that the said bill do not pass.

CLOSING BUSINESS,

The bill entitled "An act for the relief of Anthony Buck," was read three several times by unanimous consent, and passed.

The Senate proceeded to consider the amendment of the House of Representatives to the bill, entitled "An act to incorporate the subscribers to certain banks in the District of Columbia, and to prevent the circulation of the notes of the unchartered associations within the said District," and concurred therein.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act respecting the compensation of the collectors therein mentioned," and no amendment having been made thereto, the PRESIDENT reported it to the House, and it was ordered to a third reading. It was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of Henry Lee," and no amendment having been made thereto, the PRESIDENT reported it to the House, and it was ordered to a third reading. It was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act authorizing the payment of a sum of money to the State of Georgia, under the articles of agreement and cession between the United States and that State," and the bill having been amended, the PRESIDENT reported it to the House accordingly; and the amendments having been concurred in, on the question, "Shall the amendment be engrossed, and the bill be read a third time as amended?" it was determined in the affirmative.

The said amendments having been reported by the committee correctly engrossed, the bill was read a third time as amended, and passed.

On motion by Mr. GOLDSBOROUGH,

Resolved unanimously, That the thanks of the Senate be presented to the Honorable JOHN GAILLARD, for the able and satisfactory manner in which he has discharged the duties of the President *pro tempore* of the Senate since his appointment to that office, and that this testimonial of their approbation and respect be entered upon their Journal.

Whereupon, Mr. GAILLARD addressed the Senate as follows:

Gentlemen of the Senate:

The approbation of a body so respectable and distinguished as that which I have now the honor to address, is received with the most profound respect, and will ever be to me a source of pleasing and of grateful recollection. To the habits of order, of decorum, and attention to business, which so strongly mark the character of this honorable body, I have felt myself to be greatly indebted; but more, much more so, to that spirit of liberality and indulgence which has been extended to me on all occasions, and which has been ever ready to overlook my many deficiencies and errors, and to overrate my feeble, humble efforts, which have been directed with anxious solicitude to a faithful and impartial discharge of the duties of the Chair. If, in the course of my official conduct, it should have been my misfortune to have wounded the feelings of any honorable members, or in aught to have offended, I can assure them that such offence was unintentional on my part; and I pray them to accept this apology as an atonement. Permit me now, gentlemen, to tender to you collectively, as well as individually, my grateful acknowledgements for your kindness, and my warmest wishes for your prosperity and happiness.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to continue in force the second section of the act, entitled 'An act supplementary to an act to regulate the duties on imports and tonnage,'" and no amendment having been made thereto, the PRESIDENT reported it to the House, and it was ordered to a third reading. It was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act authorizing the Secretary of the Treasury to cause repayment to be made of certain alien duties," and no amendment having been made thereto, the PRESIDENT reported it to the House, and it was ordered to a third reading. It was read a third time, and passed.

A message from the House of Representatives informed the Senate that they have disagreed to the amendment of the Senate to the bill, entitled "An act making further provision for repairing the public buildings and improving the public squares."

The Senate proceeded to consider their amendment to the bill last mentioned, disagreed to by the House of Representatives, and receded therefrom.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act respecting the district court of the United States, in the northern district of New York, and no amendment having been made thereto, the PRESIDENT reported it to the House, and it was ordered to a third reading. It was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act authorizing the Secretary of the Treasury to remit the duties therein mentioned," and no amendment having been made thereto, the PRESIDENT reported it to the House, and it was ordered to a third reading. It was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act supplementary to an act for the relief of persons imprisoned for debts due the United States," and no amendment having been made thereto, the PRESIDENT reported it to the House, and it

was ordered to a third reading. It was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of certain Creek Indians," and no amendment having been made thereto, the PRESIDENT reported it to the House, and it was ordered to a third reading. It was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of James Villere," and no amendment having been made thereto, the PRESIDENT reported it to the House, and it was ordered to a third reading. It was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of Jumonville de Villers," and no amendment having been made thereto, the PRESIDENT reported it to the House, and it was ordered to a third reading. It was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of Joseph Summers and John Allen," and no amendment having been made thereto, the PRESIDENT reported it to the House, and it was ordered to a third reading. It was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of Asa Wells," and no amendment having been made thereto, the PRESIDENT reported it to the House, and it was ordered to a third reading. It was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of Antoine Bienvenue, of the State of Louisiana," and no amendment having been made thereto, the PRESIDENT reported it to the House, and it was ordered to a third reading. It was read a third time, and on the question, "Shall this bill pass?" it was determined in the negative.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of Barthelemy Duverger," and on motion, the further consideration thereof was postponed until the fourth day of March instant.

A message from the House of Representatives informed the Senate that they have passed the bill from the Senate, entitled "An act to continue in force an act, entitled 'An act further to provide for the collection of duties on imports and tonnage,' passed the third day of March, 1815, and for other purposes," with an amendment, in which they request the concurrence of the Senate.

The Senate proceeded to consider the amendment of the House of Representatives to the bill last mentioned, and concurred therein.

On motion by Mr. KING,

Resolved, That the President of the United States be requested to cause to be collected, digested, printed, and laid before the Senate at the next session of Congress, so much of the treaties, laws, and regulations of the different foreign countries, with which the United States have commercial intercourse, as relates to import, export, tonnage, light-house, pilotage, and port duties; to bounties and drawbacks; to colonial trade and navigation; to the national character of mariners; and to the ships' papers and navigation of such foreign countries respectively; specifying the comparative footing of national and foreign ships employed in any branch of such commercial intercourse.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of Robert Burnside," and no amendment having been made thereto, the bill was reported to the House, and ordered to a third reading. It was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of James H. Boisgervais," and no amendment having been made thereto, it was reported to the House, and ordered to a third reading. It was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of Peter Caslard," and the bill having been amended, it was reported to the House accordingly; and the amendment having been concurred in, on the question, "Shall the amendment be engrossed, and the bill be read a third time as amended?" it was determined in the affirmative.

The said amendment having been reported by the committee correctly engrossed, the bill was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of James Orr," and no amendment having been made thereto, the bill was reported to the House; and, on the question, "Shall this bill be read a third time?" it was determined in the negative. So the bill was lost.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of Peyton Short," and no amendment having been made thereto, it was reported to the House, and ordered to a third reading. It was read a third time, and passed.

Mr. TAIT, from the Committee on Naval Affairs, to whom was referred the bill, entitled "An act authorizing the payment of a sum of money to Nathaniel Seavey and others," reported it without amendment; and it was considered as in Committee of the Whole, and no amendment having been made thereto, the bill was reported to the House, and ordered to a third reading. It was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of Joseph J. Green," and no amendment having been made thereto, the bill was reported to the House, and ordered to a third reading. It was read a third time, and passed.

The Senate resumed, as in Committee of the

Whole, the consideration of the bill, entitled "An act for the relief of James Caze and John Richaud," and no amendment having been made thereto, it was reported to the House, and on the question, "Shall this bill be read a third time?" it was determined in the negative. So it was resolved that this bill do not pass.

Mr. TAIT, from the Committee on Naval Affairs, to whom was referred the bill, entitled "An act authorizing payment of a sum of money to Teakle Savage, and others," reported it without amendment; and the bill was considered, as in Committee of the Whole, and no amendment having been made thereto, it was reported to the House, and ordered to a third reading. It was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of Alexander Holmes and Benjamin Hough," and the bill having been amended, the PRESIDENT reported it to the House accordingly; and the amendments having been concurred in, on the question, "Shall the amendments be engrossed and the bill be read a third time as amended?" it was determined in the affirmative.

The said amendments having been reported by the committee, correctly engrossed, the bill was read a third time as amended, and passed.

On motion by Mr. CAMPBELL, the Committee on Finance, to whom was referred the petition of James Miller, of Louisiana, were discharged from the further consideration thereof.

A message from the House of Representatives informed the Senate that they have passed a bill, entitled "An act extending the time for locating Virginia military land warrants, and for returning the surveys thereon to the General Land Office, and for giving further time to complete the surveys and obtain patents for lands located under Virginia resolution warrants," in which bill they request the concurrence of the Senate.

The bill last mentioned was read the first and second time, and referred to the Committee on the Public Lands, to consider and report thereon.

Mr. MORROW, from the committee, reported said bill without amendment, and, on motion, the further consideration thereof was postponed until the 4th day of March, instant.

On motion by Mr. MORROW,

Ordered, That the Committee on the Public Lands, to whom were referred the following memorials and petitions, viz: The memorial of the Legislature of the State of Louisiana, respecting the land titles in the former territory of Orleans; the memorial of the Legislature of the State of Louisiana, relative to the land claims of Florida; the memorial of the Legislature of the Mississippi Territory, praying the extinguishment of British claims to lands in said Territory; the petition of Anthony Cavalier and Peter Petit; the memorial of the Legislature of the Mississippi Territory, praying the settlers on the lands of the United States may be permitted to continue thereon, until the same shall be sold; the petition of sundry inhabitants of the province of Texas, praying a grant of land; the petition of William Hargrave; the petition of G. W. Johnston and others; the petition of Jesse Bean; and the petition of Nathaniel Cutting, be discharged from the further consideration thereof, respectively.

A message from the House of Representatives informed the Senate that the House have passed a resolution for the appointment of a joint committee to wait on the President of the United States, and notify him of the intended recess, and have appointed a committee on their part, in which they request the concurrence of the Senate.

The Senate proceeded to consider the resolution last mentioned, and concurred therein, and Mr. BARBOUR and Mr. TAIT were appointed the committee on the part of the Senate.

Mr. BARBOUR reported, from the joint committee, that they had waited on the President of the United States, who informed them that he had no further communication to make to the two Houses of Congress.

A message from the House of Representatives informed the Senate that the House, having finished the business before them, are about to adjourn.

Ordered, That the Secretary inform the House of Representatives that the Senate, having finished the legislative business before them, are about to adjourn.

Whereupon the President adjourned the Senate *sine die*.

PROCEEDINGS
OF A
SESSION SPECIALLY CALLED,
TUESDAY, MARCH 4, 1817.

To the Senators of the
United States, respectively:

SIR: Objects interesting to the United States requiring that the Senate should be in session on the fourth of March next, to receive such communications as may be made to it on the part of the Executive, your attendance in the Senate Chamber in this city on that day is accordingly requested.

WASHINGTON, *January* 1, 1817.

JAMES MADISON.

In conformity with the summons from the President of the United States, above recited, the Senate assembled in their Chamber in the City of Washington.

PRESENT:

JEREMIAH MASON and DAVID L. MORRILL, from New Hampshire.

ELI P. ASHMUN and HARRISON GRAY OTIS, from Massachusetts.

WILLIAM HUNTER and JAMES BURRIL, jun., from Rhode Island.

DUDLEY CHACE and ISAAC TICHENOR, from Vermont.

DAVID DAGGETT and SAMUEL W. DANA, from Connecticut.

RUFUS KING and NATHAN SANFORD, from New York.

JAMES J. WILSON and MAHLON DICKERSON, from New Jersey.

ABNER LACOCK and JONATHAN ROBERTS, from Pennsylvania.

OUTERBRIDGE HORSEY and NICHOLAS VANDYKE, from Delaware.

ROBERT H. GOLDSBOROUGH and ALEXANDER C. HANSON, from Maryland.

JAMES BARBOUR, from Virginia.

NATHANIEL MACON and MONTFORD STOKES, from North Carolina.

JOHN GAILLARD and WILLIAM SMITH, from South Carolina.

CHARLES TAIT and GEORGE M. TROUP, from Georgia.

ISHAM TALBOT, from Kentucky.

GEORGE W. CAMPBELL and JOHN WILLIAMS, from Tennessee.

JEREMIAH MORROW, and BENJAMIN RUGGLES, from Ohio.

ELEGIUS FROMENTIN, from Louisiana.

JAMES NOBLE and WALLER TAYLOR, from Indiana.

JOHN GAILLARD, President *pro tempore*, resumed the Chair.

DAVID L. MORRILL, appointed a Senator by the Legislature of the State of New Hampshire; HARRISON GRAY OTIS, appointed a Senator by the Legislature of the Commonwealth of Massachusetts; MAHLON DICKERSON, appointed a Senator by the State of New Jersey; and JAMES BURRIL, jun., appointed a Senator by the Legislature of the State of Rhode Island, respectively for the term of six years, commencing this day, produced their credentials, which were read, and the oath prescribed by law was administered to them, and they took their seats in the Senate.

The oath was also administered to Messrs. SMITH, STOKES, TROUP, VANDYKE, and WILLIAMS; their credentials having been read and filed during the last session.

DANIEL D. TOMPKINS, Vice President of the United States, and President of the Senate, having appeared, Mr. GAILLARD administered the oath of office to him, and he took the Chair; when he addressed the Senate as follows:

Gentlemen of the Senate:

In entering the office of Vice President, I beg leave to offer a public acknowledgement of the honor conferred upon me by the people of the United States, by placing me next in their confidence to that illustrious citizen whose patriotism, virtues, and eminent public services, receive this day the highest reward that a free people can bestow.

I assume the duties assigned me in the Senate with the greatest diffidence, arising from a consciousness of my inexperience in the forms of deliberative assemblies; and when, at the same time, I reflect that this Chair has hitherto been adorned by men of the first distinction for experience, talents, and character, I am oppressed by the magnitude of the responsibility which now devolves upon me.

My heart assures me that I may promise upright intentions, zealous industry, and rigid impartiality. If aught beyond these shall merit approbation, it will be justly ascribed to the wisdom and magnanimity of the members of this dignified body; and upon that wisdom and magnanimity I entirely repose myself for guidance and support.

The President of the United States, the Ex-President, and the Judges of the Supreme Court, having previously entered the Senate Chamber, on motion by Mr. BARBOUR, the Senate adjourned for one hour.

INAUGURAL ADDRESS.

The PRESIDENT OF THE UNITED STATES, being attended by the Ex-President of the United States, the Vice President, the Judges of the Supreme Court, the Senators, and the marshals of the day, then proceeded to the elevated portico, temporarily erected for the occasion, where, after a short pause, he arose and addressed the audience as follows:

I should be destitute of feeling if I was not deeply affected by the strong proof which my fellow-citizens have given me of their confidence, in calling me to the high office whose functions I am about to assume. As the expression of their good opinion of my conduct in the public service, I derive from it a gratification, which those who are conscious of having done all they could to merit it, can alone feel. My sensibility is increased by a just estimate of the importance of the trust, and of the nature and extent of its duties; with the proper discharge of which the highest interests of a great and free people are intimately connected. Conscious of my own deficiency, I cannot enter on these duties without great anxiety for the result. From a just responsibility I will never shrink; calculating with confidence, that in my best efforts to promote the public welfare, my motives will always be duly appreciated, and my conduct be viewed with that candor and indulgence which I have experienced in other stations.

In commencing the duties of the Chief Executive office, it has been the practice of the distinguished men who have gone before me, to explain the principles which would govern them in their respective administrations. In following their venerated example, my attention is naturally drawn to the great causes which have contributed, in a principal degree, to produce the present happy condition of the United States. They will best explain the nature of our duties, and shed much light on the policy which ought to be pursued in future.

From the commencement of our Revolution to the present day, almost forty years have elapsed, and from the establishment of this Constitution, twenty-eight. Through this whole term, the Government has been, what may emphatically be called self-government; and what has been the effect? To whatever object we turn our attention, whether it relates to our foreign or domestic concerns, we find abundant cause to felicitate ourselves in the excellence of our institutions. During a period fraught with difficulties, and marked by very extraordinary events, the United States have flourished beyond example. Their citizens, individually, have been happy, and the nation prosperous.

Under this Constitution, our commerce has been wisely regulated with foreign nations, and between the States; new States have been admitted into our Union; our territory has been enlarged, by fair and

honorable treaty, and with great advantage to the original States; the States, respectively, protected by the National Government, under a mild, parental system, against foreign dangers, and enjoying within their separate spheres, by a wise partition of power, a just proportion of the sovereignty, have improved their police, extended their settlements, and attained a strength and maturity, which are the best proofs of wholesome laws well administered. And if we look to the condition of individuals, what a proud spectacle does it exhibit! On whom has oppression fallen in any quarter of our Union? Who has been deprived of any right of person or property? Who restrained from offering his vows, in the mode which he prefers, to the divine Author of his being? It is well known, that all these blessings have been enjoyed in their fullest extent; and I add, with peculiar satisfaction, that there has been no example of a capital punishment being inflictied on any one for the crime of high treason.

Some, who might admit the competency of our Government to these beneficient duties, might doubt it in trials which put to the test its strength and efficiency, as a member of the great community of nations. Here, too, experience has afforded us the most satisfactory proof in its favor. Just as this Constitution was put into action, several of the principal States of Europe had become much agitated, and some of them seriously convulsed. Destructive wars ensued, which have, of late only, been terminated. In the course of these conflicts, the United States received great injury from several of the parties. It was their interest to stand aloof from the contest; to demand justice from the party committing the injury; and to cultivate, by a fair and honorable conduct, the friendship of all. War became, at length, inevitable, and the result has shown, that our Government is equal to that, the greatest of trials, under the most unfavorable circumstances. Of the virtue of the people, and of the heroic exploits of the Army, the Navy, and the Militia, I need not speak.

Such, then, is the happy Government under which we live; a Government adequate to every purpose for which the social compact is formed; a Government elective in all its branches, under which every citizen may, by his merit, obtain the highest trust recognised by the Constitution; which contains within it no cause of discord; none to put at variance one portion of the community with another; a Government which protects every citizen in the full enjoyment of his rights, and is able to protect the nation against injustice from foreign Powers.

Other considerations of the highest importance admonish us to cherish our Union, and to cling to the Government which supports it. Fortunate as we are, in our political institutions, we have not been less so in other circumstances, on which our prosperity and happiness essentially depend. Situated within the temperate zone, and extending through many degrees of latitude along the Atlantic, the United States enjoy all the varieties of climate, and every production incident to that portion of the globe. Penetrating, internally, to the great Lakes, and beyond the sources of the great rivers which communicate through our whole interior, no country was ever happier with respect to its domain. Blessed, too, with a fertile soil, our produce has always been very abundant, leaving, even in years the least favorable, a surplus for the wants of our fellow-men in other countries. Such is our peculiar felicity, that there is not a part of our Union that is not particularly interested in preserving it. The great agricultural interest of the nation prospers under its protection. Local interests are not less fostered by it. Our fellow-citizens of the North, engaged in navigation, find great encouragement in being made the favored carriers of the vast productions of the other portions of the United States, while the inhabitants of these are amply recompensed, in their turn, by the nursery for seamen and naval force, thus formed and reared up for the support of our common rights. Our manufactures find a generous encouragement by the policy which patronizes domestic industry; and the surplus of our produce, a steady and profitable market by local wants, in less favored parts, at home.

Such, then, being the highly favored condition of our country, it is the interest of every citizen to maintain it. What are the dangers which menace us? If any exist, they ought to be ascertained and guarded against.

In explaining my sentiments on this subject, it may be asked, What raised us to the present happy state? How did we accomplish the Revolution? How remedy the defects of the first instrument of our Union, by infusing into the National Government sufficient power for national purposes, without impairing the just rights of the States, or affecting those of individuals? How sustain, and pass with glory through the late war? The Government has been in the hands of the people. To the people, therefore, and to the faithful and able depositaries of their trust, is the credit due. Had the people of the United States been educated in different principles; had they been less intelligent, less independent, or less virtuous, can it be believed that we should have maintained the same steady and consistent career, or been blessed with the same success? While, then, the constituent body retains its present sound and healthful state, everything will be safe. They will choose competent and faithful representatives for every department. It is only when the people become ignorant and corrupt; when they degenerate into a populace, that they are incapable of exercising the sovereignty. Usurpation is then an easy attainment, and an usurper soon found. The people themselves become the willing instruments of their own debasement and ruin. Let us, then, look to the great cause, and endeavor to preserve it in full force. Let us, by all wise and Constitutional measures, promote intelligence among the people, as the best means of preserving our liberties.

Dangers from abroad are not less deserving of attention. Experiencing the fortune of other nations, the United States may be again involved in war, and it may in that event be the object of the adverse party to overset our Government—to break our Union, and demolish us as a nation. Our distance from Europe, and the just, moderate, and pacific policy of our Government, may form some security against these dangers, but they ought to be anticipated and guarded against. Many of our citizens are engaged in commerce and navigation, and all of them are, in a certain degree, dependent on their prosperous state. Many are engaged in the fisheries. These interests are exposed to invasion in the wars between other Powers, and we should disregard the faithful admonition of experience, if we did not expect it. We must support our rights or lose our character, and with it, perhaps, our liberties. A people who fail to do it, can scarcely be said to hold a place among independent nations. National honor is national property of the highest value. The sentiment in the mind of every citizen, is national strength. It ought, therefore, to be cherished.

To secure us against these dangers, our coast and inland frontiers should be fortified; our Army and Navy, regulated upon just principles as to the force of each, be kept in perfect order, and our militia be placed on the best practicable footing. To put our extensive coast in such a state of defence as to secure our cities and interior from invasion, will be attended with expense, but the work when finished will be permanent; and it is fair to presume that a single campaign of invasion, by a naval force superior to our own, aided by a few thousand land troops, would expose us to greater expense, without taking into the estimate the loss of property and distress of our citizens, than would be sufficient for this great work. Our land and naval forces should be moderate, but adequate to the necessary purposes. The former, to garrison and preserve our fortifications, and to meet the first invasions of a foreign foe; and, while constituting the elements of a greater force, to preserve the science, as well as all the necessary implements of war, in a state to be brought into activity in the event of war. The latter, retained within the limits proper in a state of peace, might aid in maintaining the neutrality of the United States with dignity in the wars of other Powers, and in saving the property of their citizens from spoliation. In time of war, with the enlargement of which the great naval resources of the country render it susceptible, and which should be duly fostered in time of peace, it would contribute essentially, both as an auxiliary of defence and as a powerful engine of annoyance, to diminish the calamities of war, and to bring the war to a speedy and honorable termination.

But it ought always to be held prominently in view, that the safety of these States, and of everything dear to a free people, must depend in an eminent degree on the militia. Invasions may be made too formidable to be resisted by any land and naval force which it would comport either with the principles of our Government or the circumstances of the United States to maintain. In such cases, recourse must be had to the great body of the people, and in a manner to produce the best effect. It is of the highest importance, therefore, that they be so organized and trained as to be prepared for any emergency. The arrangement should be such as to put at the command of the Government the ardent patriotism and youthful vigor of the country. If formed on equal and just principles, it cannot be oppressive. It is the crisis which makes the pressure—and not the laws, which provide a remedy for it. This arrangement should be formed too in time of peace, to be the better prepared for war. With such an organization, of such a people, the United States have nothing to dread from foreign invasion. At its approach, an overwhelming force of gallant men might always be put in motion.

Other interests of high importance will claim attention; among which the improvement of our country by roads and canals, proceeding always with a Constitutional sanction, holds a distinguished place. By thus facilitating the intercourse between the States, we shall add much to the convenience and comfort of our fellow-citizens; much to the ornament of the country; and, what is of greater importance, we shall shorten distances, and by making each part more accessible to and dependent on the other, we shall bind the Union more closely together. Nature has done so much for us by intersecting the country with so many great rivers, bays, and lakes, approaching from distant points so near to each other, that the inducement to complete the work seems to be peculiarly strong. A more interesting spectacle was perhaps never seen than is exhibited within the limits of the United States; a territory so vast and advantageously situated, containing objects so grand—so useful—so happily connected in all their parts!

Our manufactures will likewise require the systematic and fostering care of the Government. Possessing, as we do, all the raw materials, the fruit of our own soil and industry, we ought not to depend, in the degree we have done, on supplies from other countries. While we are thus dependent, the sudden event of war, unsought and unexpected, cannot fail to plunge us into the most serious difficulties. It is important, too, that the capital which nourishes our manufactures should be domestic, as its influence in that case, instead of exhausting, as it may do in foreign hands, would be felt advantageously on agriculture and every other branch of industry. Equally important is it to provide at home a market for our raw materials, as, by extending the competition, it will enhance the price, and protect the cultivator against the casualties incident to foreign markets.

With the Indian tribes it is our duty to cultivate friendly relations, and to act with kindness and liberality in all our transactions. Equally proper is it to persevere in our efforts to extend to them the advantages of civilization.

The great amount of our revenue, and the flourishing state of the Treasury, are a full proof of the competency of the national resources for any emergency, as they are of the willingness of our fellow-citizens to bear the burdens which the public necessities require. The vast amount of vacant lands, the value of which daily augments, forms an additional resource of great extent and duration. These resources, besides accomplishing every other necessary purpose, put it completely in the power of the United States to discharge the national debt at an early period. Peace is the best time for improvement and preparation of every kind; it is in peace that our commerce flourishes most; that taxes are most easily paid, and that the revenue is most productive.

The Executive is charged officially, in the Departments under it, with the disbursement of the public money, and is responsible for the faithful application of it to the purposes for which it is raised. The Legislature is the watchful guardian over the public purse. It is its duty to see that the disbursement has been honestly made. To meet the requisite responsibility, every facility should be afforded to the Executive, to enable it to bring the public agents, intrusted with the public money, strictly and promptly to account. Nothing should be presumed against them; but if, with the requisite facilities, the public money is suffered to lie, long and uselessly, in their hands, they will not be the only defaulters, nor will the demoralizing effect be confined to them. It will evince a relaxation and want of tone in the Administration, which will be felt by the whole community. I shall do all I can to secure economy and fidelity in this important branch of the Administration, and I doubt not that the Legislature will perform its duty with equal zeal. A thorough examination should be regularly made, and I will promote it.

It is particularly gratifying to me, to enter on the discharge of these duties at a time when the United States are blessed with peace. It is a state most consistent with their prosperity and happiness. It will be

my sincere desire to preserve it, so far as depends on the Executive, on just principles, with all nations—claiming nothing unreasonable of any, and rendering to each what is its due.

Equally gratifying is it to witness the increased harmony of opinion which pervades our Union. Discord does not belong to our system. Union is recommended, as well by the free and benign principles of our Government, extending its blessings to every individual, as by the other eminent advantages attending it. The American people have encountered together great dangers, and sustained severe trials with success. They constitute one great family, with a common interest. Experience has enlightened us on some questions of essential importance to the country. The progress has been slow, dictated by a just reflection, and a faithful regard to every interest connected with it. To promote this harmony, in accord with the principles of our Republican Government, and in a manner to give them the most complete effect, and to advance in all other respects the best interests of our Union, will be the object of my constant and zealous exertions.

Never did a Government commence under auspices so favorable, nor ever was success so complete. If we look to the history of other nations, ancient or modern, we find no example of a growth so rapid—so gigantic: of a people so prosperous and happy. In contemplating what we have still to perform, the heart of every citizen must expand with joy, when he reflects how near our Government has approached to perfection; that, in respect to it, we have no essential improvement to make; that the great object is, to preserve it in the essential principles and features which characterize it, and that that is to be done by preserving the virtue and enlightening the minds of the people; and, as a security against foreign dangers, to adopt such arrangements as are indispensable to the support of our independence, our rights and liberties. If we persevere in the career in which we have advanced so far, and in the path already traced, we cannot fail, under the favor of a gracious Providence, to attain the high destiny which seems to await us.

In the Administrations of the illustrious men who have preceded me in this high station, with some of whom I have been connected by the closest ties from early life, examples are presented which will always be found highly instructive and useful to their successors. From these I shall endeavor to derive all the advantages which they may afford. Of my immediate predecessor, under whom so important a portion of this great and successful experiment has been made, I shall be pardoned for expressing my earnest wishes that he may long enjoy, in his retirement, the affections of a grateful country—the best reward of exalted talents, and the most faithful and meritorious services. Relying on the aid to be derived from the other Departments of the Government, I enter on the trust to which I have been called by the suffrages of my fellow-citizens, with my fervent prayers to the Almighty, that He will be graciously pleased to continue to us that protection which He has already so conspicuously displayed in our favor.

After which, the oath of office was administered to the PRESIDENT OF THE UNITED STATES by the Chief Justice.

The Senate having again assembled,

On motion, by Mr. KING,

Ordered, That the Committee of Arrangements wait on the President of the United States, and notify him that the Senate are ready to receive any communications that he may be pleased to make to them.

On motion, the Senate adjourned to 11 o'clock to-morrow morning.

WEDNESDAY, March 5, 1817.

Mr. GOLDSBOROUGH reported from the committee that they had waited on the President of the United States, who informed them that he should this day, at an early hour, make a communication to the Senate.

After the consideration of Executive business,

Ordered, That Mr. BARBOUR and Mr. SANFORD be a committee to wait upon the President of the United States, and notify him that, unless he may have any further communication to make to them, the Senate are ready to adjourn.

On motion, by Mr. BARBOUR, the Senate adjourned to 9 o'clock to-morrow morning.

THURSDAY, March 6, 1817.

After the consideration of Executive business, the Vice President having absented himself for the purpose, the Senate proceeded to the choice of a President *pro tempore*, as the Constitution provides; and

The honorable JOHN GAILLARD was elected.

Ordered, That the Secretary wait on the President of the United States, and acquaint him that the Senate have, in the absence of the Vice President, elected the honorable JOHN GAILLARD President of the Senate *pro tempore*.

After the further consideration of Executive business, Mr. BARBOUR reported from the committee that they had waited on the President of the United States, who informed them he had no further communications to make to the Senate.

Whereupon, the President adjourned the Senate *sine die*.

PROCEEDINGS AND DEBATES

OF THE

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

AT THE SECOND SESSION OF THE FOURTEENTH CONGRESS, BEGUN AT THE CITY OF WASHINGTON, MONDAY, DECEMBER 2, 1816.

MONDAY, December 2, 1816.

This being the day fixed by the Constitution for the meeting of Congress, HENRY CLAY, the Speaker, THOMAS DOUGHERTY, the Clerk, and the following members of the House of Representatives appeared, and took their seats, to wit:

From New Hampshire—Charles H. Atherton, William Hale, Roger Vose, Daniel Webster, and Jeduthun Wilcox.

From Massachusetts—William Baylies, George Bradbury, Samuel S. Conner, John W. Hulbert, Cyrus King, Jeremiah Nelson, Albion K. Parris, John Reed, Thomas Rice, Nathaniel Ruggles, Asahel Stearns, Solomon Strong, Samuel Taggart, Artemas Ward, and Laban Wheaton.

From Connecticut—Epaphroditus Champion, John Davenport, jun., Lyman Law, Jonathan O. Moseley, Lewis B. Sturges, and Benjamin Tallmadge.

From Vermont—Asa Lyon, Charles Marsh, and John Noyes.

From New York—Asa Adgate, Micah Brooks, Daniel Cady, Henry Crocheron, Thomas P. Grosvenor, John Lovett, Hosea Moffitt, John Savage, John W. Taylor, George Townsend, and Peter H. Wendover.

From New Jersey—Ezra Baker, Ephraim Bateman, Benjamin Bennett, Lewis Condict, Henry Southard, and Thomas Ward.

From Pennsylvania—William Crawford, William Darlington, Isaac Griffin, John Hahn, Joseph Heister, Joseph Hopkinson, Samuel D. Ingham, Jared Irwin, Aaron Lyle, William Milnor, John Whiteside, and Thomas Wilson.

From Delaware—Thomas Clayton.

From Maryland—John C. Herbert, Samuel Smith, Philip Stuart, and Robert Wright.

From Virginia—Philip P. Barbour, Burwell Bassett, James Breckenridge, William A. Burwell, Peterson Goodwyn, Aylet Hawes, John P. Hungerford, Joseph Lewis, jun., William McCoy, Hugh Nelson, Thomas Newton, William H. Roane, Ballard Smith, and Henry St. George Tucker.

From North Carolina—Joseph H. Bryan, James W. Clark, John Culpeper, Weldon N. Edwards, Daniel M. Forney, William Gaston, Israel Pickens, Lewis Williams, and Bartlett Yancey.

From South Carolina—John C. Calhoun, John J. Chappell, Benjamin Huger, William Lowndes, John Taylor, and William Woodward.

From Georgia—John Forsyth, Thomas Telfair, and Richard H. Wilde.

From Kentucky—Joseph Desha, Benjamin Hardin, Richard M. Johnson, Samuel McKee, Alney McLean, Stephen Ormsby, Solomon P. Sharp, and Micah Taul.

From Tennessee—William G. Blount, Newton Cannon, Bennet H. Henderson, Samuel Powell, James B. Reynolds, and Isaac Thomas.

From Ohio—John Alexander, James Caldwell, and David Clendennin.

From Louisiana—Thomas B. Robertson.

The following new members also appeared, to wit: from Massachusetts, BENJAMIN ADAMS, in the room of Elijah Brigham, deceased, and JAMES CARR; from New York, ARCHIBALD S. CLARKE, in the room of Peter B. Porter, resigned; from Pennsylvania, WILLIAM FINDLEY; from Maryland, PETER LITTLE, in the room of William Pinkney, resigned, and GEORGE PETER, in the room of Alexander C. Hanson, resigned; from North Carolina, SAMUEL DICKENS, in the room of Richard Stanford, deceased, and CHARLES HOOKS, in the room of William R. King, resigned; from Kentucky, THOMAS FLETCHER, in the room of James Clark, resigned; from Ohio, WILLIAM HENRY HARRISON, in the room of John McLean, resigned; and from Indiana, WILLIAM HENDRICKS: who severally produced their credentials, and took their seats; the oath to support the Constitution of the United States being first administered to them by the SPEAKER.

WILLIAM LATTIMORE, the Delegate from the Mississippi Territory, appeared, and took his seat.

Two new Delegates appeared, to wit: from the Territory of Illinois, NATHANIEL POPE; and from the Territory of Missouri, JOHN SCOTT; who severally produced their credentials, were qualified, and took their seats.

And a quorum, consisting of a majority of the whole number of members of the House, being present, the Clerk was ordered to acquaint the Senate therewith.

On motion of Mr. WRIGHT, a committee was

appointed on the part of this House, to join such committee as may be appointed on the part of the Senate, to wait on the President of the United States, and inform him that a quorum of the two Houses is assembled, and ready to receive any communication that he may be pleased to make to them; and Mr. WRIGHT and Mr. TALLMADGE were appointed of the said committee.

A message from the Senate informed the House that a quorum of the Senate is assembled, and that they are ready to proceed to business. The Senate concur in the resolution for the appointment of a joint committee, to wait on the President of the United States, and inform him that a quorum of the two Houses is assembled, and ready to receive any communications he may be pleased to make to them, and have appointed a committee on their part.

Mr. WRIGHT submitted the following resolution, to wit:

Resolved, That the Constitution of the United States, together with the Rules and Orders of the House, be printed for the use of the members.

The House proceeded to consider the resolution, and the question being taken on agreeing thereto, it was determined in the negative.

On motion of Mr. PARRIS, the Clerk was directed to procure newspapers from any number of offices that the members may elect: Provided, that the expense thereof do not exceed the price of three daily papers.

On motion of Mr. TAYLOR, of New York,

Ordered, That the daily hour to which the House shall stand adjourned, be twelve o'clock, until otherwise ordered.

And then the House adjourned.

TUESDAY, December 3.

Several other members, to wit: from Massachusetts, BENJAMIN BROWN and TIMOTHY PICKERING; from Rhode Island, JAMES B. MASON; from Connecticut, TIMOTHY PITKIN; from Vermont, CHAUNCEY LANGDON; from New York, OLIVER C. COMSTOCK, JAMES W. WILKIN, JABEZ D. HAMMOND, JAMES BIRDSALL, and ABRAHAM H. SCHENCK; from Pennsylvania, WILLIAM WILSON, WILLIAM MACLAY, and THOMAS SMITH; from Maryland, GEORGE BAER; from Virginia, MAGNUS TATE, JAMES PLEASANTS, jun., and JOHN KERR; and from North Carolina, WILLIAM C. LOVE, appeared, and took their seats.

Two new members also appeared, to wit: from New York, DANIEL AVERY, in the room of Enos T. Throop, resigned; and from Pennsylvania, WILLIAM P. MACLAY, in the room of Thomas Burnside, resigned, who severally produced their credentials, were qualified, and took their seats.

Mr. WRIGHT, from the joint committee appointed to wait on the President of the United States, and inform him that the two Houses, having formed a quorum, are ready to receive any communications he may be pleased to make to them, reported that the committee had performed that service, and that the President answered that he would make a communication to the two Houses this day, at twelve o'clock.

A Message was then received from the PRESIDENT OF THE UNITED STATES, which was delivered in at the Speaker's table. The Message was read, and ordered to be committed to the Committee of the Whole House on the state of the Union, and that five thousand copies thereof be printed for the use of the Members of Congress. [For this Message see Senate proceedings, *ante* page 11.]

A message from the Senate informed the House that the Senate have passed a resolution for the appointment of a joint committee, to have the application of the money appropriated for the use of the Library, and have appointed the said committee on their part. The Senate have also passed a resolution for the appointment of a joint committee for enrolled bills, and have appointed Mr. RUGGLES on their part.

The said resolutions were severally read, and agreed to by the House; and Messrs. TAYLOR, of New York, HOPKINSON, and TUCKER, were appointed of the Library Committee, on the part of this House, and Messrs. CRAWFORD and TAUL were appointed of the Committee of Enrolled Bills.

The following resolution was submitted by Mr. HUGH NELSON:

Resolved, That the Committee on the Judiciary be instructed to report a bill to repeal the act, entitled "An act to change the mode of compensation to the Members of the Senate and House of Representatives and the Delegates from Territories," passed March 19, 1816.

The question was then taken, "Will the House now consider this resolution?" and determined in the negative.

STANDING COMMITTEES.

On motion of Mr. LOWNDES, the House proceeded to the appointment of the standing committees, pursuant to the rules and orders of the House. Whereupon, the following were appointed:

Of Ways and Means—Mr. Lowndes, Mr. Smith, of Maryland, Mr. Moseley, Mr. Burwell, Mr. Wilkin, Mr. Gaston, and Mr. Henderson.

Of Elections—Mr. Taylor, of New York, Mr. Pickering, Mr. Kerr, of Virginia, Mr. Hahn, Mr. Vose, Mr. Law, and Mr. Thomas.

Of Commerce and Manufactures—Mr. Newton, Mr. Savage, Mr. Hulbert, Mr. Parris, Mr. Milnor, Mr. Mason, and Mr. Forney.

Of Claims—Mr. Yancey, Mr. Alexander, Mr. Goodwyn, Mr. Davenport, Mr. Lyle, Mr. Hardin, and Mr. Lyon.

For the District of Columbia—Mr. Tucker, Mr. Lewis, Mr. Irwin, of Pennsylvania, Mr. Wendover, Mr. Herbert, Mr. Taylor, of South Carolina, and Mr. Peter.

On Public Lands—Mr. Robertson, Mr. McLean, Mr. King, Mr. Sturges, Mr. Harrison, Mr. Williams, and Mr. Hendricks.

On the Post Office and Post Roads—Mr. Ingham, Mr. Cannon, Mr. Breckenridge, Mr. Avery,

Mr. Carr of Massachusetts, Mr. Caldwell, and Mr. Noyes.

On Pensions and Revolutionary Claims—Mr. Chappell, Mr. Reynolds, Mr. Stuart, Mr. Southard, Mr. Wilcox, Mr. Wheaton, and Mr. Crocheron.

Of Public Expenditures—Mr. Pickens, Mr. Barbour, Mr. Hammond, Mr. Champion, Mr. Schenck, Mr. Thomas Wilson, and Mr. Jeremiah Nelson.

On the Judiciary—Mr. Hugh Nelson, Mr. Wilde, Mr. Hopkinson, Mr. Wright, Mr. Ormsby, Mr. Webster, and Mr. Love.

Of Accounts—Mr. Little, Mr. Reed, and Mr. Edwards.

On Revisal and Unfinished Business—Mr. Condict Mr. Bradbury, and Mr. William Maclay.

On Private Land Claims—Mr. Sharp, Mr. Clark of North Carolina, Mr. Telfair, Mr. Atherton, and Mr. Huger.

WEDNESDAY, December 4.

Two other members, to wit: from New York, SAMUEL R. BETTS; and from Pennsylvania, HUGH GLASGOW; appeared and took their seats.

A new member also appeared, to wit: from Virginia, THOMAS M. NELSON, in the place of Thomas Gholson, deceased; who produced his credentials, was qualified, and took his seat.

On motion of Mr. REYNOLDS, the Secretary of War was directed to lay before this House a copy of the report of the commissioner appointed to mark and survey a road from Tennessee river, through the Chickasaw nation, together with the amount of expenditures for performing the said service.

A message from the Senate informed the House that the Senate have passed a resolution for the appointment of two Chaplains, during the present session, of different denominations, one by each House, who shall interchange weekly; in which they ask the concurrence of this House.

The resolution was read and concurred in by the House.

THE PRESIDENT'S MESSAGE.

The House having resolved itself into a Committee of the Whole, on the state of the Union, Mr. NELSON in the Chair, the following subdivision and distribution of the President's Message was made by several resolutions offered by Mr. TAYLOR of New York, adopted by the Committee, and concurred in by the House:

1. *Resolved*, That so much of the Message of the President of the United States as relates to the subject of Foreign Affairs, and to our commercial intercourse with British colonial ports, be referred to a select committee.

2. *Resolved*, That so much of the President's Message as relates to Military Affairs, be referred to a select committee.

3. *Resolved*, That so much of the President's Message as relates to a re-organization of the militia, be referred to a select committee.

4. *Resolved* That so much of the President's Message as relates to Naval Affairs, be referred to a select committee.

5. *Resolved*, That so much of the President's Message as relates to Manufactures, be referred to the Committee of Commerce and Manufactures.

6. *Resolved*, That so much of the President's Message as relates to an amelioration of the condition of the Indian tribes within our limits, be referred to a select committee.

7. *Resolved*, That so much of the President's Message as relates to the uniformity of weights and measures, be referred to a select committee.

8. *Resolved*, That so much of the President's Message as relates to the National University, be referred to a select committee.

9. *Resolved*, That so much of the President's Message as relates to Roads and Canals, be referred to a select committee.

10. *Resolved*, That so much of the President's Message as relates to a revisal of the Criminal Code and a remodification of the Judiciary Establishment, be referred to the Committee on the Judiciary.

11. *Resolved*, That so much of the President's Message as relates to the more effectual prohibition of the African slave trade, be referred to a select committee.

12. *Resolved*, That so much of the President's Message as relates to the office of Attorney General, and to the establishment of an additional Department in the Executive branch of the Government, be referred to a select committee.

13. *Resolved*, That so much of the President's Message as relates to the subject of Revenue, be referred to the Committee of Ways and Means.

14. *Resolved*, That so much of the President's Message as relates to an Uniform National Currency, be referred to a select committee.

15. *Resolved*, That the said select committees have leave to report by bill or otherwise.

Mr. Forsyth, Mr. Smith, of Maryland, Mr. Grosvenor, Mr. King, Mr. Baker, Mr. Ward, of Massachusetts, and Mr. Darlington, were appointed a committee pursuant to the first resolution.

Mr. Johnson, of Kentucky, Mr. Conner, Mr. Desha, Mr. Ward, of New Jersey, Mr. Peter, Mr. Thomas M. Nelson, and Mr. Dickens, were appointed a committee pursuant to the second resolution.

Mr. Harrison, Mr. Tallmadge, Mr. Blount, Mr. Roane, Mr. Taul, Mr. Hungerford, and Mr. Marsh, were appointed a committee pursuant to the third resolution.

Mr. Pleasants, Mr. Betts, Mr. Culpeper, Mr. Lovett, Mr. Robertson, Mr. Stearns, and Mr. Clendennin, were appointed a committee pursuant to the fourth resolution.

Mr. Thomas, Mr. Griffin, Mr. Adgate, Mr. Baer, Mr. Woodward, Mr. McCoy, and Mr. Fletcher, were appointed a committee pursuant to the sixth resolution.

Mr. Pitkin, Mr. Calhoun, Mr. Hopkinson, Mr. McKee, Mr. Hale, Mr. Crawford, and Mr. Clarke, of New York, were appointed a committee pursuant to the seventh resolution.

Mr. Wilde, Mr. Wright, Mr. Breckenridge. Mr. Herbert, Mr. Powell, Mr. Birdsall, and Mr. Heister, were appointed a committee pursuant to the eighth resolution.

Mr. Thomas Wilson, Mr. Brooks, Mr. Clayton, Mr. Bateman, Mr. Yancey, Mr. Adams, and Mr. Hawes, were appointed a committee pursuant to the ninth resolution.

Mr. Pickering, Mr. Comstock, Mr. Condict, Mr. Tucker, Mr. Taggart, Mr. Cilley, and Mr. Hooks, were appointed a committee pursuant to the eleventh resolution.

Mr. Lowndes, Mr. Bassett, Mr. William Wilson, Mr. Ruggles, Mr. Forsyth, Mr. Bennett, and Mr. Tate, were appointed a committee pursuant to the twelfth resolution.

Mr. Calhoun, Mr. Webster, Mr. Hulbert, Mr. Whiteside, Mr. Hardin, Mr. Townsend, and Mr. Glasgow, were appointed a committee pursuant to the fourteenth resolution.

COMPENSATION LAW.

Mr. Johnson, of Kentucky, said that he had, on all political occasions consulted his best judgment, and he had always voted with a view to promote the interest, and support the honor and rights of those who had, by their suffrages, given him a place upon the floor of Congress. That he had expressed the sentiments of his constituents, and his conduct had generally been approbated and sanctioned by them; that this coincidence of political views, and confidence in his wishes for their happiness and prosperity had left him at liberty to pursue his own course of conduct. That, notwithstanding this state of things, he had always believed in the right of instruction; and, at any time during his political course, he should have considered himself both honored and bound by the will of his constituents; the nature of the trust implied a duty, on the part of the Representative, that he will consult the happiness, and carry into effect, as far as he knows it, the will of those who elect him.

That, notwithstanding the discontent that had manifested itself in many parts of the United States, and in his own district, he was left to take that course which honor and duty dictated; and that, so far as he could infer the will of his constituents, it should have a controlling influence upon his mind; because the want of written instruction did not weaken the binding efficacy of the great fundamental principle to which he alluded. The want of a written impression may, by possibility, mislead the best among us; of course, that would give a high claim to indulgence. On this subject, he had no doubt he should meet the sanction and the approbation of those honorable and patriotic men, who, notwithstanding all his faults, had continued their confidence in him. Many considerations had entered into his mind in making a motion for a committee to inquire into the expediency of repealing the compensation law. One object, was to gratify that portion of his constituents who were opposed to the measure. He said a portion of his constituents, because he well knew that many, very many, of his political friends, were in favor of the measure, both as to mode and amount; some were desirous that an experiment might be made, others disliked the mode, but do not object to the amount and many other minor differences; but he well knew that they would all either unite or acquiesce in a repeal of the statute; that the public mind might be tranquillized; that the great mass of inflammable matter which was afloat might be decomposed and rendered harmless; that hobby riders may be dismounted, and popularity-traps put flat on the surface; for he never intended, if he could make any other shift, to ride the one, or set the other. He claimed the indulgence of the House, to explain to them what he intended by his motion. He had heard of a variety of compensation bills, so called, and it was necessary to identify the one he intended to embrace by his motion. He did not intend a repeal of a compensation bill, which gave to members of Congress fifteen hundred dollars per session, whether extra or the great annual session, pointed out by the Federal Constitution, by which each member could draw as many fifteen hundred dollars as the sessions in which he served; no such bill can be found upon the Journals of the House. He did not intend a repeal of that compensation bill which allowed members of Congress fifteen hundred dollars per annum, whether present during the session, or absent, at home, or elsewhere, on their own business. Such compensation law cannot be found in the statute book. He did not intend a repeal of that compensation law which had given to the members of Congress six dollars a day until its passage, and then the fifteen hundred dollars. He had nothing to do with such a measure, as no such measure had been sanctioned by Congress. He did not intend a repeal of that compensation law which violated the Constitution, for he had never given a vote upon any such measure, although he well knew that a rejected amendment to the Constitution had been published as a part of that sacred instrument, to induce a belief that avarice had driven Congress from the path of duty. He had nothing to do with these and other compensation bills, so called, which existed only in the visions of fancy, the colorings of party, and the misrepresentations of faction; and these misrepresentations, with other causes, had combined in a manner so powerful and so forcible, to excite the jealousy of the people. Nothing less could have excited in such a degree their suspicion and displeasure against their Representatives, inducing them, in many cases, to withdraw confidence, under every concession, and refusing explanations from public servants who had never deviated before. He intended, by his motion, to repeal a compensation law, which gave to members of Congress a gross sum of fifteen hundred dollars for their services, provided they discharged, with fidelity, every day of every session, the duties of Representative, and not otherwise, whether one or more sessions during the Congressional year, in lieu of the six dollars per day; a compensation law which placed them on an equality with the Sergeant-at-Arms, the Doorkeeper, the Assistant Doorkeeper, the Chief Clerk, and the Engrossing Clerk; and, on a footing, in a pecuniary point of view, of half as much as we give to the Clerk of the House; a

compensation law, which was supported and voted for by a majority of both Houses of Congress, and signed by the President of the United States; a compensation law, which was acknowledged by every member of the Senate and of the House to be just, if not politic, by taking the fifteen hundred dollars; for he was informed that every member, one from Virginia excepted, had taken the money, which was conclusive evidence that they did not consider it public robbery. And the honorable gentleman from Virginia did not refuse the money because he thought it unjust, for he advocated the measure; upon principle only he could not agree to embrace the present Congress. The worth of that member was well known to the House; and as to those who had voted against the measure, and had received the compensation, he did not suppose that the people of any district would have complained of any such member, who had only taken that which had been allowed other members by law. In justice to himself, to the House, and particularly to the nation, he conceived it his duty thus to distinguish the real from the fictitious compensation laws; for the age of reason had not passed away, and although there may have been a temporary sacrifice of worth and merit, it cannot continue. Mr. J. said, such had been the artificial and unnatural excitement against the compensation bill, that a particular friend of his called upon his debtor to discharge a written obligation under bond and seal; upon presenting the note, the debtor demanded to know of his creditor, whether he was in favor of the compensation bill; and, upon being answered in the affirmative, payment was positively refused. This was not all. He had understood if a constable presented himself to the justices of the peace for preferment and promotion, he was called on to know if he was in favor of the compensation bill. If the justice of the peace wanted to be sheriff, he could think of no better expedient than to denounce the compensation bill; and particularly those who offered as candidates to represent counties in the State Legislatures, a denunciation of the compensation bill was made a *sine qua non*. In fact, by these and other means, the poor compensation bill excited more discontent than the alien or sedition laws, the *quasi* war with France, the internal taxes of 1798, the embargo, the late war with Great Britain, the Treaty of Ghent, or any one measure of the Government, from its existence. Such effects could not naturally result from the measure under consideration, but from the misrepresentation of designing men, and from a misunderstanding of it by the virtuous, the faithful, the honest, yeomanry of the country. Mr. J. said, this reminded him of another story that was told him, of a young gentleman having made known to the father of a beautiful daughter, his wish to visit the house on her account; who demanded of the young man, as a preliminary, whether he was in favor of the compensation bill! This brings me, said Mr. J., to the most natural part of the inquiry—the amount of compensation. If we consider this subject in an abstract or positive point of view, we must take a variety of circumstances into the calculation, and it may be difficult to say what is the precise sum that should be given. If a married man shall bring his family with him, he will incur an expense greater than to come alone. If a member should come alone to the City of Washington, he incurs less expense than if compelled to bring one servant, or an attendant, with him, to aid him on the road, and when at the city, to take from him the trouble of a thousand calls, which would break in upon his time, and render him, in a great measure, useless to his constituents; or by paying the same for extra attention at the boarding houses. Or the amount of expense may depend upon a thousand other considerations—whether a member shall drink water alone, or whiskey, or brandy, or Madeira, or Champaign; or whether a member shall occupy a room alone, or whether he can find some kindred spirit to occupy a room together. But this part of the subject cannot be reduced to anything like mathematical precision, as to the amount of compensation. But this I have said, and this I now repeat, that for married or single, with servants or without servants, with horses or without horses, fifteen hundred dollars, as a money-making scheme, is a poor business, whether applied to the farmer, the mechanic, the lawyer, the doctor, or any other other class of the community; such is the necessary expense and sacrifice in being a member. Nor is it my wish that it should be a money-making business. It is my wish to receive my compensation from the people whom I represent, and not from any other quarter. I despise prodigality, extravagance, and luxury, and equally despise griping avarice; and in this, as in all other cases of money, I would be governed by the principles of economy—fix no unnecessary burden on the people—but they must support their liberties and the Government of their choice, by a moderate and rational system of necessary supplies. But, leaving this positive view of the subject, comparatively speaking, the compensation to members of Congress is inadequate, and, to equalize, you must either level or reduce the salaries of most of the officers of Government, or you must add to the per diem which has been received by the members heretofore; and I believe the people have not yet instructed the members of Congress to lessen the salaries of officers which have been fixed by the patriots of the country for twenty years and upwards; and the people must love liberty less, and money more, than at present, to take such a step; and when I introduce the salaries of some of the officers of the Government, from memory, by way of comparison, it is not to alarm, or to imply that there should be a diminution or reduction, but to undeceive the people as to this monstrous law, which gives $1,500 to members of Congress.

The President of the United States receives a salary of $25,000 per annum, which amounts to $68 49 per day.

Vice President, $5,000 per annum, which, allowing the sessions to average four months, is $41 10 per day.

Secretary of State, $5,000, which is $13,70 per day.

Secretary of the Treasury, $5,000, which is $13 70 per day.

Secretary of War, $4,500, which is $12 32 per day.

Secretary of the Navy, $4,500, which is $12 32 per day.

Foreign Ministers, $9.000. which is $24 65 per day, besides an outfit of $9 000.

Chief Justice, $4.000, which, allowing the time occupied in travelling and attendance to be four months, or one hundred and twenty days in each year, is $33 33 per day.

Associate Judges, $3 500, which is, for one hundred and twenty days, $29 16 per day.

Postmaster General, $3,000 per annum.

Comptroller of the Treasury, $3,500 per annum.

Treasurer, 3,000 per annum.

Auditor of the Treasury, $3.000 per annum.

Register of the Treasury, $3,000 per annum.

Commissioner of the General Land Office, $3.000 per annum.

Commissioner of Internal Revenue, $3,000 per annum.

Superintendent General of Military Supplies, $3,000 per annum.

Attorney General, $3,000 per annum.

Accountants of the War and Navy Departments, each $2,000 per annum.

And about thirty clerks in the different offices, from $1 500 to $2,500 per annum.

In Virginia.—Judges of the Court of Appeals, $2,500 per annum, which, allowing four months, or one hundred and twenty days, for the whole time occupied in a year, is $20 83 per day.

Judges of the District Courts, $1,500 per annum, which, for three months. or ninety days, the extent of time occupied, is $16 66 per day.

In Pennsylvania.—The Judges of the Supreme Court receive $2.000 per annum, which, for one hundred and twenty days, the extent of the time occupied in a year, is $16 66 per day, besides travelling expenses.

The presidents of the courts of common pleas $1,600 per annum, which, allowing five months for the time occupied, is $10 66 per day, besides travelling expenses; and all the officers in Pennsylvania, from the constable upwards, have received an increase of compensation, within ten years, of at least fifty per cent.

But it is said the judges are commissioned, and of course it is implied that they are in service the whole year; but, by the same implication or legal intendment, a member of Congress is in service also the whole year. If, in fact, a member of Congress is in session as many days as a judge in the year, his actual service is as great. In vacation he is supposed to be employed, as it is his duty, in reading and study. The same remark will apply to a member of Congress, and if he is presumed to be as faithful as a judge, he will read as much, and study as much; and I would ask, if it should be less necessary for the Legislature to be enlightened, that controls every branch of the Government, than the Judiciary or the Executive Departments? But the duties of a judge disqualify him from being a lawyer, and he has no time to superintend his farm, or practice medicine, &c. In this respect the member of Congress must give up his practice at the bar; and in the case of the farmer or the doctor, the judge has greatly the advantage, because the service he performs only separates him from those avocations for short internals. These disqualifications will not apply to State Legislatures, for there the term of service is at a period when the neighbors are healthy, the farmer only attending to his stock, the courts of justice closed, and the term of service so short, and the distance so inconsiderable, that the sacrifice cannot be compared to a six months' siege. I cannot speak as to other members, but, as to myself, I am as much engaged in the public service during the recess as I am at the City of Washington; the only difference is, that I am, a good part of my time, upon my own farm, and not at the expense incurred from it. This measure, which has excited so much discontent, involves feeling and not principle; and, with the advantage taken of it by the designing, the nature of the measure was well calculated to rouse the jealousy of the people, by our increasing our own compensation; but they should recollect that they have given us that power, and no other branch of the Government can take hold of it. The Constitution vests us with that power, and perhaps there is not a man in the United States of America who can suppose, for a moment, that the present compensation I allude to—the six dollars per day—can remain permanent as the laws of the Medes and Persians, while there is a gradual depreciation of money, and a proportionable increase of the cost of diet, of clothing, and all the necessaries of life; and to give a memorable example of the forbearance of Congress to touch this subject, until driven to it by necessity, the compensation has been at six dollars per diem from the origin of the Government, upwards of twenty-six years ago, and in 1796 the sergeant-at-arms and the doorkeeper received six dollars per day, and their compensation was converted into a gross sum of $1,500 previous to the last session; and I presume we could not be charged with corruption or prodigality in this respect; at least we gave it to others, and received no more ourselves than we gave to the servants of the House; and when we did regulate our own pay, we only placed ourselves on an equality with the servants of servants; no disrespect meant to our faithful sergeant-at-arms and doorkeeper. But I have always said, that my great object was reform in the proceedings of the House; the sum was not important in an individual point of view, although I have never thought I was undeserving of the $1,500, nor do my constituents believe it. But the mode makes us salary officers. Indeed! and what magic is there in the name of salary officers? The only difference between a salary officer and a per diem, is simply in the mode of payment, and not in the amount. It is immaterial whether you give the President his sixty-eight

dollars per day, or whether he draws his $25,000 quarter-yearly. The same may be said of the Military, and the Executive, and the Judicial departments.

The per diem allowance originated from the necessity and convenience of members, who had daily calls upon them; and the salary officer was made such from a convenience in the payment quarter-yearly, or semi-annually. It is impossible to make any other distinction. I believe a gross sum will reform the proceedings of the House; and although the people may change their representatives every Congress, the case will not be altered; they will not, in the aggregate, find men more enlightened, more patriotic, more industrious, or less avaricious; and it is always best to blend self-interest and patriotism together, if it can be done; and the most beneficial results, in my humble opinion, were discovered from its operation at the last session. But I deny that members of Congress are made salary officers—at least they do not partake of the advantages of a salary officer. In the Executive, or Judiciary, or Military, or Naval departments, in case of sickness or absence on furlough, no deduction is made from the pay of the officer. If they languish on a bed of sickness, under their own roof, and surrounded by their own friends, the act of God does not lessen their claims upon their country for support; but if a member of Congress should be placed in the same situation, he receives no part of his fifteen hundred dollars; and, if detained after the session terminates, he receives no additional compensation. He must perform the service to entitle him to the money. The Roman diadem was put up to the highest bidder, and history gives us the consequences; and if making money or saving money be the object of the people, there is no district in the United States so poor, but could furnish some character to serve for nothing, and, if required, would give to the public Treasury the fifteen hundred dollars for a seat in Congress: but then we should have a very different Congress from that which is now so much identified with the honor and rights of the nation. The rich aristocracy of the country, who could roll in their carriages, or the profligate, who would wish to put themselves in the market, would generally compose a Congress under such an organization. We have a memorable, a very memorable example before us, of legislators serving their constituents for nothing—I mean the members of the British Parliament. And what is the effect? The King and Ministry have a fund to purchase a majority; some cannot be purchased—such as Chatham and Fox—others were not worth purchasing. But for fifty or one hundred years it has been so contrived, that the King and his Ministry have had a majority of Parliament, to support them in all their systems of war and taxes, with the exception of a very few years indeed, when the voice of the people for a moment gained the ascendency. And although the members of Parliament serve for nothing, the votes, in many places, were bought as any other article in the market; for I was intimate with an Englishman who resided in my neighborhood, who informed me that he generally received sixteen pounds sterling for his vote at each election. The motion which I make, therefore, does not arise from any change of sentiment as to mode and amount of compensation. With other considerations, already mentioned, *vox populi vox Dei* has its controlling influence. Not that this principle implies perfection in the people, but I hold it as a political maxim that the people are the fountain of power and authority; and if they should be ever carried away by a momentary impulse, it does not arise from corruption; and the presumption is, that the people are always right, as they are, as a people, always virtuous in their views; and a Representative who acknowledges this principle, and is willing to carry into effect the will of the people, is entitled to some liberality—to some consideration. But I do not admit that the great body of the people are so deeply affected by this measure; but I believe there is sufficient floating inflammable matter to turn the scale in most instances. In this respect I am for taking away all pretext, and bow to the will of the people, thus partially expressed, under all those unnatural means of excitement to which I have alluded.

Vigilance is a virtue in a free people; it was this virtue that preserved us from Parliamentary encroachments in 1776, and conducted us to independence. Like Argus, the people should be watchful—they should not slumber upon their posts. But at the same time we should guard against precipitancy and unfounded suspicion, for these are the opposites of vigilance. It was these that threatened our cause in times that tried men's souls; when the Father of his Country, the immortal WASHINGTON, was distrusted of wanting the capacity of a General or Commander-in-Chief, in pursuing the Fabian policy, particularly his memorable retreat through the Jerseys, that saved his shattered army, and has crowned him with so much glory. Unlimited confidence is a weakness, but unfounded suspicion and distrust of a faithful public servant, is a political, if not a moral evil. In the United States, a public servant has some rational ground to make some calculation upon a long series of uniform and undeviating conduct, sentiment, and principle; without such a hope, honor and virtue, and faithful services, would fail to meet their reward, and it would revive the ostracism of Athens. There some apology may be urged, as the very organization of the government often subjected the people to the tyranny of usurpers, and put many men above the laws. It is otherwise in this land of liberty, where the laws and the constitution are supreme, and where a wise, virtuous, and experienced statesman may be of infinite service, so long as he pursues a correct course, and has the confidence of the nation; but where no man can act the tyrant without becoming impotent and contemptible, and where the finger of scorn and infamy point him out as harmless in the private walks of life. In this case, no man has been charged with having changed his politics; the

Federal, members are Federal still, and the Republican members are Republican still. It is to be regretted that it did not produce a change in that respect, and it had been for the better. I do not make use of party names to excite party feelings, nor do I intend to drop an expression that can wound the feelings of any, whether voting for the bill or against it. Odious as this measure was supposed to be, some were not satisfied with magnifying every feature into a Gorgon's head; but, what was the unkindest cut of all, it was represented that, while we were providing for ourselves, we had neglected to provide for the widow, the orphan, the wounded soldier, the discharge of the national debt, the volunteer who had lost his arms or his horse in the public service, and other claimants; that we had been loading the people with heavy taxes, when the session was taken up in reducing and repealing the taxes. Whatever may be the opinion of others, I will hazard the assertion that no Congress, since the peace of '83, has greater claims upon the confidence and affections of the people; and by their acts they shall be judged. Has the volunteer lost his only horse, this Congress has made provision to pay him; has the faithful soldier arrearages of pay due him, the last session made ample appropriations. Does the wounded, bleeding invalid present himself as indigent, and unable to procure his living by labor, he is placed upon the pension list; has the widow lost her husband, at the plains of Raisin or elsewhere, while in the service of the United States, the balm of consolation is administered to the bleeding heart in the five years' half-pay; and, if particular cases should be omitted, we are bound to pursue the example we have set ourselves; and if in any case we have made inadequate provision, the power is in our own hands.

Mr. Johnson then submitted the following resolution:

Resolved, That a committee be appointed to inquire into the expediency of repealing or modifying the late act of Congress, changing the mode of compensation to the members of Congress; with leave to report by bill or otherwise.

Mr. Desha intimated, that when this subject should be fully before the House, there would be more to be said about it; and, as the House had refused yesterday even to consider it, he required the yeas and nays on the question of consideration.

A sufficient number not rising to support the call for the yeas and nays, they were not called.

The question on consideration was determined in the affirmative, without a division; and the resolution itself was agreed to without a division; and Mr. Johnson of Kentucky, Mr. Findley, Mr. Webster, Mr. Bassett, Mr. Pitkin, Mr. Cady, and Mr. Reynolds, were appointed the said committee.

Thursday, December 5.

Four other members, to wit: from Rhode Island, John L. Boss; from Vermont, Luther Jewett; from Virginia, James Johnson; and from Ohio, William Creighton, jun., appeared and took their seats.

Mr. Whiteside presented a petition of Mary Coles, who states that she has lost two husbands and one son in the military service of the United States, and that she is now poor and infirm; and praying to be supported at the public expense.—Referred to the Committee on Pensions and Revolutionary Claims.

The Speaker presented sundry documents transmitted to him by Rufus Easton, in relation to the election and return of John Scott, as the Delegate in this House from the Territory of Missouri; which were referred to the Committee of Elections.

Mr. Williams, of North Carolina, submitted the following resolution for consideration:

Resolved, That a committee be appointed to inquire into the decisions of Richard Bland Lee, Esq., Commissioner appointed under the act of Congress, entitled "An act to authorize the payment for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes," passed the 9th of April, 1816.

Resolved further, That the said committee have leave to send for persons and papers.

Mr. Webster expressed some surprise at a motion to inquire into the decisions of an officer invested with the powers and discretion of a judge, and which implied impropriety in the conduct of the officer. At least he conceived the motion to be rather hasty, and thought it would be better to decline its immediate consideration. He therefore moved that the resolution for the present be laid on the table.

Mr. Williams assented to the wishes of Mr. Webster, and the resolution was accordingly ordered to lie on the table.

On motion of Mr. Lowndes, the Committee of Ways and Means were instructed to inquire into the expediency of amending the act, entitled "An act to regulate the duties on imports and tonnage," so far as relates to the duty on tonnage.

The House went into the election of a Chaplain to Congress for the present session. On counting the ballots, it appeared that there were for the Rev. Burgess Allison 75, Walter Addison 40, and scattering 4.

Mr. Allison was consequently declared duly elected.

Friday, December 6.

Three other members, to wit: from Massachusetts, Elijah H. Mills; from Pennsylvania, John Ross; and from Delaware, Thomas Cooper, appeared and took their seats.

The Speaker presented a petition of the Kentucky Abolition Society, praying for an allotment of public lands for free persons of color.—Referred to the Committee on Public Lands.

Mr. Johnson, of Kentucky, presented a petition of Rufus Easton, complaining of the undue election and return of John Scott, as the Delegate in this House for the Territory of Missouri, and praying to be admitted to a seat in the place of the said John Scott.—Referred to the Committee of Elections.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

The 9th section of the act passed at the last session of Congress "to authorize the payment for property lost, captured or destroyed by the enemy while in the military service of the United States, and for other purposes," having received a construction giving it a scope of great and uncertain extent, I thought it proper that proceedings relative to claims under that part of the act should be suspended until Congress should have an opportunity of defining, more precisely, the cases contemplated by them. With that view I now recommend the subject to their consideration. They will have an opportunity, at the same time, of considering how far other provisions of the act may be rendered more clear and precise in their import.

JAMES MADISON.

DECEMBER 6, 1816.

The Message was read, and referred to the Committee of Claims.

On motion of Mr. TUCKER, the Committee for the District of Columbia were instructed to inquire into the expediency of prohibiting, by law, the establishment of unchartered banking companies, or the circulation of the notes of such companies within the said District.

On motion of Mr. JOHNSON, of Kentucky, the Military Committee were instructed to inquire into the expediency of organizing a corps of invalids, and of establishing additional military academies.

RELIEF OF DISTRESSED OFFICERS, &c.

Mr. HARRISON moved the adoption of the following resolution:

Resolved, That the Military Committee be instructed to inquire into the expediency of providing, by law, for the relief of such of the officers and soldiers who having faithfully served in the armies of the United States, are now in distressed circumstances, and who, not having received wounds or disabilities whilst in actual service, are excluded from the benefits of the pension laws, and that the said committee report by bill or otherwise.

Mr. HARRISON said it had been his intention to offer, with this resolution, some observations upon the matter to the House, but understanding that this course was not considered wholly proper on offering a motion to the House, he should reserve his remarks for another stage of the business. He did so with the less reluctance, since any remarks he should have made would have been with a view to enlist the feelings of the House, and he felt, on reflection, convinced they must be wholly unnecessary on this occasion, and that the heart of every American would beat in unison with the object he had in view. He had made the resolution as broad as possible, that it might afford to the committee a choice of the various modes of accomplishing the object committed to them.

The motion of Mr. H., as originally offered, embraced a positive instruction to the committee to report the mode in which the object could be best accomplished, but was so modified by Mr. H. on the suggestion of Mr. TAYLOR, (of New York,) as above, to instruct the committee to inquire into the expediency of legislating on the subject. In support of this modification, Mr. TAYLOR remarked, that after the provision made at the last session, it was asking rather too much of Congress to pass a resolution, the terms of which assumed the fact that further provision was necessary. A change of opinion might have taken place in the House on the subject since the last session, but he thought it improper to take that for granted which yet remained to be ascertained.

The motion of Mr. HARRISON, as it stands above, was agreed to without a division.

COMMISSIONER OF CLAIMS.

Mr. FORSYTH offered for consideration the resolutions which follow:

1. *Resolved*, That the President of the United States be, and he is hereby, requested to lay before this House the proceedings of the Commissioner appointed under the act of the last session, entitled "An Act to authorize the payment for property lost, captured or destroyed, while in the military service of the United States, and for other purposes."

2. *Resolved*, That the President of the United States be, and he is hereby, requested to order the further execution of the said act to be suspended, until the subject shall be disposed of by this House.

3. *Resolved*, That the President be, and he is hereby, requested to inform this House whether the judgments made by the Commissioner under the said act have been paid by the Treasury, and if they have been paid, by what authority, and out of what fund.

Mr. WILLIAMS, of North Carolina, suggested, that they were a substitute for the motion he offered yesterday.

Which objection Mr. SPEAKER overruled; these resolves calling on the President for certain information, that of Mr. WILLIAMS embracing an inquiry, by a committee of Congress, into the proceedings of a public officer. They were on the same subject, it was true, but their objects were widely different.

Mr. FORSYTH said a few words as to the objects of his propositions. As to the first resolution, being almost a matter of course under any circumstances, he presumed no objection would be made to it. As to the second, the President had informed the House, by a special message, that the execution of a part of the act had been suspended; and had recommended the revision of other parts of it. It seemed, therefore, that the Executive thought the provisions of the act obscure or incorrect; and, Mr. F. thought, that, to avoid injury to the United States from further decisions under the act, it would be proper to suspend it. With regard to the last resolution, he had received information, he believed from a correct source, that the judgments of the Commissioner had been paid at the Treasury whenever presented; and, as far as he had understood, there had been no act of Congress making an appropriation for the purpose of liquidating these claims. The act constituting the Commissioner's office made no such appropriation; neither did the

general appropriation act of the last session. At the close of the last session, an act had passed appropriating money for defraying the expenses of the Commissioner's office, but even that act made no appropriation for paying the judgments of the Commissioner.

Mr. Yancey, of North Carolina, expressed his opinion that this object belonged to the Committee on Public Expenditures, rather than to the Committee of Claims, to whom the President's Message thereon had been referred. If the fact was as represented, that the public money had been paid from the Treasury without an appropriation, it would certainly fall within the province of that committee to inquire. As a member, however, of the Committee of Claims, he should submit to the judgment of the House in this respect; although, had he conceived the subject properly to belong to them, he should before now have introduced it to the notice of the House. The second resolution proposed by Mr. Forsyth, Mr. Y. conceived to be wholly unnecessary; especially as he understood, from the President's Message, that the execution of that part of the act which was objectionable, had already been suspended, and would continue so until the House should act on the subject. If the President had suspended the operation of the act in one particular, he would in others, if he thought the public interest required it. Mr. Y. said, he saw no reason why the House should call upon the President to discharge a duty, which he had shown every disposition to perform without such interposition. Mr. Y. repeated, taking his seat, that this business appeared to him to belong properly to the Committee on Expenditures.

Mr. Desha, of Kentucky, said he fully agreed with the gentleman last up. The first and third resolutions he thought correct, but the second unnecessary, and was, therefore, opposed to it. No danger was to be apprehended to the public interest, from the execution of any other part of the act than that which had been suspended; whilst, on the other hand, great injury would result from a total suspension of the execution of the act to those individuals, who had claims before the Commissioner of a minor character, which did not come under the objectionable provision of the act. Was it at all necessary, Mr. D. asked, after the great trouble which the claimants of this character had taken to substantiate their claims, that their examination should be suspended, because a part of the act, not at all affecting them, was incorrect? He hoped not. He flattered himself that, on this view of the subject, the gentleman from Georgia would agree with him, and withdraw the second resolution.

The question having been taken on the first resolution, to which there was no opposition, the question on the second was propounded from the Chair.

Mr. Webster, of New Hampshire, said, he hoped the honorable gentleman would not press this resolution. It was very questionable indeed, in his mind, whether the House could pass such a resolution. As to the language of the President in respect to the act, it amounted to no more than this; that, there being some doubt of the proper construction of the act, he had recommended to the Commissioner to forbear further decisions under a particular part of it, until Congress should have acted on it. He should not presume, he said, that the President had ordered a public officer to suspend his official duties; to do which he has no more power, said Mr. W., than I or any other member of the House or of the community. It was made by an act of Congress the business of the officer referred to, to perform certain specific duties required by that act; and the repeal of the act only could suspend his official functions, or take away the right given by the act to individuals in certain cases, the existence or justice of which was to be decided by a judge specially constituted for the purpose. If the question were as to the faithful execution of the law, the inquiry may be confided to a committee of the House; if whether the law be a wise one, it was for the House to decide, on examination, whether it required modification or repeal. It was a serious question, in point of right, whether the President could be requested by this House to enjoin a public officer not to execute the duties of his office, in the creation and appointment of which the other branch of Congress had a hand as well as this. All the purposes desired would be answered by the adoption of the first resolution, especially if that also was adopted (proposing an inquiry into the Commissioner's decisions,) which now lay on the table.

Mr. Forsyth said he did not pretend to enter into the question of the power to suspend the execution of the law; nor was it necessary as to the law in question, the execution of a part of which had already been suspended by the President. If he had the power to suspend a part of the act, without the request of the House, he had the same right to suspend the whole with or without their request. Mr. F. hoped, therefore, the resolution would be adopted. The act itself, he said, was of a very peculiar nature; he had himself been opposed to its passage; but few gentlemen had coincided with him in opinion. He thought it ought not to have passed; and the execution of it had not made him more favorable to its provisions. The main objection to it was, that it gave to the Commissioner the final judgment on all claims submitted to him; that his judgment entitled the party, without appeal, to payment at the Treasury. It appeared, from the Message of the President, either that the act was defective, or that the Commissioner had extended his power beyond the proper limits. Mr. F. therefore wished the execution of the law suspended, because with regard not only to the part of the act referred to by the President, but to all the sections of the act, the same spirit may prevail. The wish of Mr. F. was, that the act should be reviewed, or at least that part of it which gives the Commissioner the entire control of the public funds, as far as concerns these claims. Vast injury might result to the United States, if he was

suffered to go on. However incorrect his decisions, the money paid away is beyond our control, and these claimants receive money from the United States in defiance of our authority. With this view, Mr. F. said, he wished the act suspended, without reference to the manner in which the authority given by it had been exercised.

Mr. P. BARBOUR, of Virginia, said, that if the House acted at all in the manner proposed by the second resolution, it must be jointly with the Senate. If the suspension of the law be requested, it is, for the time being, suspending the act; it is legislating on it anew. Mr. B. had no objection to the temporary suspension of the act, but wished to see it done in an unobjectionable form.

Mr. JOHNSON, of Kentucky, said, that as the member who had introduced this motion had candidly expressed to the House his opposition to the law (at the last session) to be confirmed now, there was no inconsistency in his wishing to suspend by resolution, now, an act which he could not at at the last session suspend by his vote or arguments. In consequence of its embracing a large class of cases, some of a doubtful nature, the President had advised the Commissioner to suspend the execution of one section of the act; and the question was yet to try before this House, whether proper ground had been taken by the Commissioner, or not, in respect even to that section. But had the President opposed the decisions of the Commissioner under any other part of the act? If we go on the principle of may-be mischiefs, said Mr. J., the gentleman might as well lay before this House a resolution to suspend our own powers, or those of any other department or branch of the Government, lest injury might grow out of them. I ask the gentleman who introduced a resolution so much affecting my constituents, whether he would legislate on this principle? Mr. J. said he had himself superintended three hundred cases of claims, to come before this Commissioner, the aggregate amount of which was not fifteen thousand dollars—not a peppercorn to the claims from other parts of the United States. Why should the decision of such claims be arrested? It was a novel principle of legislation to suspend the execution of a law because it is possible mischief may arise, or because one was originally opposed to it. If the gentleman would put his finger on a case in which injury was likely to be done to the United States, Mr. J. said, he would take the gentleman's word for it, and bow with submission to his proposition to suspend the law. Until such a case was pointed out, he would not vote to recommend to the President his duty. Had he been wanting in it? As he had recommended the suspension of judgments under one part of the law, was it not presumable that he would have included others if necessary? The cases of horses lost, &c., came literally and unequivocally under the law; but he freely avowed his opinion that, in all cases it would cover, the law ought to have a liberal construction. If such had been given to it, he did not disapprove it; though there might possibly have been cases decided, in regard to which the evidence ought to have been sifted more nicely.

Mr. YANCEY moved that the resolution should lie on the table. He said he could not see the necessity of going out of the usual course of legislation to adopt it. If the gentleman knew of any pending decisions of an improper character, and requiring the suspension of the act, the question would present itself differently; but, for one, Mr. Y. said, he could not vote for this motion till he heard some evidence to that effect.

Mr. FORSYTH expressed his hope that the House would not conclude, with the gentleman from Kentucky, that because he (Mr. F.) had been opposed to the passage of the law, at the last session, he now wished to suspend it. It was the law of the land; and when it became so, his opposition to it ceased. My only object, said Mr. F., is to add to it such provisions as shall prevent the Commissioner, if he be desirous to do so, from mistaking the provisions of the act. My object is to limit and define it, that it cannot be misinterpreted. With respect to the facts which have come to my knowledge, I have no information of such a character as will authorize me to bring it before the House: if I knew the facts, I should have stated them in my place, and not called upon the President for them. The President had already stated to the House, Mr. F. observed, that he had reason to believe there had been, or would be, an erroneous construction of the law. The great difficulty was, that the control of a single commissioner was complete and final over the admission and amount of the claims. I wish, said Mr. F., that the Treasury of the United States should not be open to the decisions of the Commissioner; I wish to secure the Treasury from the result of error or corruption in the adjudication of these claims. So far as I am informed, the Commissioner has not made any corrupt decisions; but I believe he was about to have made very erroneous decisions. I wish, in short, that we may give to some department the power of revising all the acts of the Commissioner; that he shall not have full power to dispose of the public money.

Mr. WEBSTER said he was bound to infer that the course of conduct which the President pursued was such as he had authority to pursue; and he had no right to order the officer in question, or any other judicial officer, to suspend the execution of a law. The President had no doubt advised the officer to suspend his decisions on certain cases; but the proposition in the resolution is to do something more than advise, if it is to do anything at all. Mr. W. submitted to the House whether it ought to pass such a resolution? He did not say whether it would have any binding force on the officer—he did not think, however, he would disregard it; but, suppose the Senate should think differently from the House, and request the President to give a direction to the Commissioner to go on. It was a mistake to suppose that the President could suspend a law on the request of any one branch of the Legislature. Mr. W. said he never had been a friend to

the law in question; he thought it an extraordinary power to give to an individual to sign away as large an amount as the whole land tax for a year, without a power being reserved to control his decisions. But the only remedy is to repeal or modify the law. He was, he said, altogether against making a nugatory interference by a resolution which nobody was bound to regard, nor, he believed, at liberty to regard.

The question was then taken on laying the second resolution on the table, and decided in the affirmative without a division.

The third resolution was taken up, and agreed to without a division.

Mr. Williams, of North Carolina, then called up the resolution which he laid on the table yesterday, for the appointment of a committee to inquire into the decisions of Richard Bland Lee, Esq., Commissioner, &c.

The House having taken up the resolution, and the mover modified its phraseolgy—

Mr. W. said, that as neither of the resolutions just agreed to embraced the object he had in view, he must advocate the passage of this resolution. He considered the inquiry important to the country, to the constituents of the members on this floor, and to the judicial character of the gentleman whose official conduct was the subject of it. Mr. W. said he had heard many reports unfavorable to the decisions of that officer. If they were true, he had certainly acted in a manner different from what had been expected of him at the time he was appointed. If untrue, the inquiry was necessary to restore his official character to the confidence it ought to have. As it might conciliate the votes of gentlemen for his proposition, he would mention one or two instances of what appeared to him incorrect decisions, of which he had been informed by common report. When the British entered this city, he said, they destroyed a house of Mr. Carroll, and another of Mr. Ringgold. The owners of these houses, from what he had heard, were not entitled to reimbursement of their losses. But to Mr. Carroll had been adjudged $27,000, as the value of his house; and to Mr. Ringgold $17,000 for his. The decisions of the House had been uniformly against this class of cases; and, if the decisions of Mr. Lee were wrong, they called for the interference of this House. The inquiry could do no injury to Mr. Lee or to the country. With that gentleman, Mr. W. said, he had no acquaintance; but he was happy to state that his character was such as to forbid the idea of collusion with the claimants. He might have, nevertheless, decided incorrectly; and as the House could not rejudge his decisions once made, it was proper that they should be correct—into which it was his object to inquire. If he had decided correctly, it would be so reported by the committee; if not, the committee might recommend a repeal or modification of the law, or a removal of the officer, &c.

Mr. Pickens, of North Carolina, suggested that the object of his colleague would fall within the duties of the Committee on Expenditures; but did not move an amendment.

No objection being made to the resolve, it was agreed to without a division, and a committee ordered to be appointed accordingly.

Messrs. Williams, Creighton, McKee, Mills, Jewett, Smith of Virginia, and W. P. Maclay, were appointed the committee.

ADMISSION OF INDIANA.

A resolution from the Senate, in form of a joint resolution, declaring the admission of the State of Indiana into the Union, was received, twice read, and referred to a Committee of the Whole on the state of the Union.

Some conversation took place on the propriety of taking it up to-day, which was advocated by Messrs. Harrison and Lowndes, who considered the resolve as a matter of form merely, and opposed by Messrs. Hardin and Taylor, of New York, who regarded it in a different light, and argued that so solemn an act as pronouncing on the character and republican principles of a State constitution, ought to be more deliberately considered than was proposed. The motion for to-day did not prevail. After ordering the constitution of the new State to be printed, the House adjourned.

Monday, December 9.

Five other members, to wit: from Pennsylvania, William Piper and James M. Wallace; from Maryland, Stevenson Archer and Chas. Goldsborough; and from Virginia, Daniel Sheffey, appeared and took their seats.

On motion of Mr. Lattimore, the petition of the Legislature of the Mississippi Territory, presented on the 27th December, 1815, praying for admission into the Union as a State, was referred to a select committee; and Messrs. Lattimore, Robertson, Desha, Tucker, Harrison, Pitkin, and Tallmadge, were appointed the committee.

Mr. Forsyth rose, and called the attention of the House to the reconsideration of a resolution [the third] adopted, on his motion, on Friday last; the object of which was, to inquire of the Executive by what authority the judgment of the Commissioner of Claims had been paid. He was, he said, altogether mistaken in supposing that the act establishing the office contained no appropriation for paying the claims, as, on subsequent examination of the act for another purpose, he had discovered. The mistake originated from a consultation of the marginal notes to the law, and to the several appropriation laws of the last session, from which he could not discover that an appropriation had been made. As the resolution had not been presented to the President, he hoped the House would indulge him in reconsidering it.

The House having agreed to reconsider the resolution, [the third,] it was withdrawn by Mr. F.

On motion of Mr. Brooks, a committee was appointed to inquire what amendments are necessary, if any, in the act, entitled "An act grant-

ing bounties, in land and extra pay, to certain Canadian volunteers," passed March 5th, 1816, with leave to report by bill or otherwise; and Messrs. BROOKS, SMITH, of Maryland, ALEXANDER, ROSS, and BENNETT, were appointed the committee.

On motion of Mr. PETER, the Military Committee was directed to inquire into the expediency of establishing, by law, one or more foundries for the manufactory of brass and iron ordnance; and what alteration it is expedient to make in the present system of supplying the Army with provisions.

Mr. WENDOVER, of New York, offered for consideration the following resolution:

Resolved, That a committee be appointed to inquire into the expediency of altering the flag of the United States.

The House having agreed, by a bare majority, to consider this resolution—

Mr. WENDOVER said, as there appeared to be much opposition to the motion, he would not press it for the present; but suffer it to be laid on the table. He would only remark, that the flag was not now appropriate; that there was an incongruity in it, which appeared to him to require correction. The motion was laid on the table.

On motion of Mr. THOMAS M. NELSON, the Committee on Military Affairs were instructed to inquire into the expediency of amending so much of the act, entitled "An act making further provision for military services during the late war," as makes it necessary for the guardians of the children of deceased soldiers of the regular Army to relinquish the claims of such children to the bounty in land, which is due for the services of their parents.

On motion of Mr. WRIGHT, a committee was appointed to inquire into the expediency of paying the militia expenses incurred by the several States, without the previous sanction or authority of the Government of the United States, with leave to report by bill or otherwise; and Messrs. WRIGHT, PLEASANTS, CHAPPELL, CREIGHTON, PARRIS, WEBSTER, and LAW, were appointed the committee.

On motion of Mr. EDWARDS, the Committee on Military Affairs were instructed to inquire into the expediency of making some provision for the widows of such soldiers as enlisted in the late war for the term of five years, or during the war.

On motion of Mr. TUCKER, the Committee on Roads and Canals were instructed to inquire into the expediency of providing, by law, for the construction of a turnpike road from Winchester, in Virginia, to unite with the Great Western Turnpike at Carter's, at the foot of the Alleghany mountain.

VACCINATION.

Mr. CONDICT presented the petition of Doctor James Smith, agent under the "Act to encourage vaccination," praying that provision may be made to enable him to supply the vaccine matter, free of any fees or charges, to the Surgeons in the Army and Navy, and to any person whatever who may apply to him for the same.—Referred to Messrs. CONDICT, LITTLE, WENDOVER, BROWN, and WOODWARD, with leave to report by bill or otherwise.

The memorial is as follows:

To the Senate and House of Representatives of the United States:

The memorial of James Smith humbly represents: That your memorialist has been employed to preserve and distribute the vaccine matter, in conformity to the act of Congress, entitled "An act to encourage vaccination."

He begs leave to state, that he has kept it constantly active and fit for use, and that he has been daily distributing it to all who applied to him for it. The use of the kine pock has been thus greatly promoted in almost every section of the United States, and the propagation of the natural small pox has been, thereby, frequently checked in places where otherwise perhaps it would have become a severe scourge and fatal pestilence among the people.

But omitting, in this place, all further explanation of the convenience and fitness of this establishment, to encourage and diffuse the practice of vaccination over our widely extended country, your memorialist begs leave to add, that every day's experience has given new proofs of the essential advantages which the public have derived, and must continue to derive, from keeping an uninterrupted supply of this inestimable remedy, in some well known place, where due responsibility will attach to its faithful distribution.

To insure the accomplishment of this desirable object and to encourage, as far as practicable, the most liberal use of the vaccine matter, your memorialist prays that some suitable provision may be made by the National Legislature, to enable him to supply it, free of any fees or charges, to all surgeons employed in the Army and Navy of the United States; as well as also to furnish it, with plain directions for its use, free of all expense, to every other citizen who may apply to him for it. Respectfully, your memorialist,

JAMES SMITH.

BALTIMORE, *Dec. 6th,* 1816.

ADMISSION OF INDIANA.

The House, on motion of Mr. HARRISON, of Ohio, proceeded to the order of the day on the resolution recognising the republicanism and conformity to the Constitution and laws of the constitution of the new State of Indiana, in Committee of the Whole, Mr. DESHA in the Chair.

On motion of Mr. MILNOR, of Pennsylvania, the constitution was read through for the further information of the House; and its verification examined.

No debate took place on the resolution, which was reported to the House, and ordered to a third reading. It was accordingly read a third time, and passed, unanimously.

TUESDAY, December 10.

At the usual hour of meeting—

Mr. LOWNDES apprized the House, that in consequence of the death of an infant child of the SPEAKER, he would not be able to attend this day to open the House. Mr. L. therefore, moved that the House should adjourn until to-morrow.

The Clerk of the House having put the question on this motion, it was carried, *nem. con.*

WEDNESDAY, December 11.

Two other members, to wit: from New York, ERASTUS ROOT; from South Carolina, HENRY MIDDLETON; appeared and took their seats.

The SPEAKER presented the petition of Rufus Easton, contesting the seat of JOHN SCOTT, as the delegate for the Territory of Missouri, and praying to be admitted to a seat in the place of said Scott.—Referred to the Committee of Elections.

The SPEAKER laid before the House a letter from the Acting Secretary of War, transmitting the report of the commissioners appointed to mark and survey a road from Reynoldsburgh, on the Tennessee river, through the Chickasaw nation; which was read and referred to Messrs. REYNOLDS, SHARPE, CREIGHTON, GRIFFIN, and BAER.

Mr. TAYLOR, of New York, from the Committee of Elections, made a report in part on the certificates of election, and other credentials, of several of the members, which was read and laid on the table.

Mr. YANCEY, of North Carolina, from a select committee, reported a bill for the relief of Nathaniel Williams; which was twice read and committed, and was subsequently ordered to be engrossed for a third reading.

Mr. JOHNSON, of Kentucky, from the Committee on Military Affairs, reported a bill for the relief of the infirm, disabled and superannuated officers and soldiers of the Army of the United States of the Revolutionary war and of the late war, and of militia disabled in the late war. [This bill contemplates the establishment of a corps of invalids.] The bill was twice read and committed.

On motion of Mr. FORSYTH, the Committee of Ways and Means were instructed to inquire into the propriety and expediency of allowing to the State of Georgia fifteen per centum out of her quota of the direct tax of 1816, assumed by the State and paid at the Treasury of the United States within the time prescribed by law—the usual abatement not being allowed at the Treasury, in consequence of the omission of the Governor to give notice of the State's assumption within the time prescribed by the act of Congress.

The SPEAKER laid before the House a letter from the Commissioner of the General Land Office, transmitting the reports of the land commissioners for the eastern district of Louisiana, of the commissioners of the Missouri Territory, and of the recorder of the land titles in the same Territory, being eleven bound volumes.—Referred to the Committee on the Public Lands.

On motion of Mr. GOLDSBOROUGH, the Committee on Naval Affairs were instructed to inquire ito the expediency of passing a supplement to the law passed at the last session of Congress, entitled "An act authorizing the payment of a sum of money to Joseph Stewart and others," for the purpose of authorizing the payment of the sum of money mentioned in the first section of the said act to the said Joseph Stewart, his attorney, or assignee, for the benefit of himself and his associates; and also for the purpose of correcting a misnomer in the third section of the said act.

The SPEAKER laid before the House a letter from William Mayrant, informing that he had transmitted to the Governor of South Carolina a resignation of his seat as one of the members of this House for that State.—Ordered to lie on the table.

On motion of Mr. SCOTT, the Committee on Public Lands were instructed to inquire into the expediency of making further provision by law for the final adjustment of land claims in the Missouri Territory, and of transferring the final settlement of those claims to the register and receiver of said Territory, together with some third person, to act as a Board of Commissioners for the same.

Mr. FORSYTH moved for the consideration of his motion for requesting the President to order the further execution of the claims' law to be suspended till Congress should have acted on it.

On the question to proceed to consider the same, it was decided in the negative.

Mr. HUGH NELSON, of Virginia, moved a resolution in the following words:

Resolved, That the Military Committee be instructed to inquire into the expediency of making provision for the widows and orphans of those militia who, after their return home to their place of residence, may have died of diseases contracted whilst in the service of the United States.

The necessity of this motion being questioned by Mr. CONDICT, on the ground of the law of the last session embracing such cases—

It was supported by Messrs. HUGH NELSON, P. P. BARBOUR, and BURWELL, of Virginia, who stated that the law of the last session embraced the cases of those dying on the road home, but did not include the cases of those who reached their own doors before they fell a sacrifice to disease.

The motion was then agreed to, *nem. con.*

CONSTITUTIONAL AMENDMENT.

Mr. PICKENS, of North Carolina, rose to propose an amendment to the Constitution of the United States; on which, having on former occasions expressed his views, he would now only remark, that only once had the question ever been really tried in this House, and that was at a moment of great public embarrassment, not favorable to a mature deliberation on its merits. This was the first fair occasion of presenting the subject fully for consideration. Several of the States had, since the first agitation of the question in the House, given to the proposition their sanction and recommendation, among which were Massachusetts, North Carolina, and Virginia; and it had, at one session, received the sanction of the Senate of the United States. If ever there was a period favorable to a proper amendment of the Constitution, it was the present moment, when we are literally at peace, at home and

abroad. Mr. P. then introduced the following resolution:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring therein, That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States, which, when ratified by the Legislatures of three-fourths of the said States, shall be valid to all intents and purposes, as a part of the said Constitution.

For the purpose of choosing Representatives, in the Congress of the United States, each State shall be divided by its Legislature into a number of districts equal to the number of Representatives to which the State may be entitled.

Each district shall contain as nearly as may be equal numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons.

In each district, the qualified voters shall elect one Representative.

For the purpose of choosing Electors of President and Vice President of the United States, each State shall be divided by its Legislature into a number of districts equal to the number of Electors to which the State may be entitled. Each district shall contain, as nearly as may be, equal numbers; which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. In each district the persons qualified to vote for Representatives in the Congress of the United States shall choose one Elector. The Legislature of each State shall have power to regulate the manner of holding elections, and making returns of the Electors chosen. In case all the Electors shall not meet at the time and place appointed for giving their votes, a majority of the Electors met shall have power, and forthwith shall proceed, to supply the vacancy.

A division of the States into districts, for choosing Representatives in the Congress of the United States, and into districts for choosing Electors of President and Vice President of the United States, shall take place as soon as conveniently may be after each enumeration and apportionment of Representatives shall be made; which districts shall remain unaltered until after the succeeding enumeration and apportionment of Representatives.

The resolution was read a first and second time, and referred to a Committee of the Whole on the state of the Union.

NATIONAL UNIVERSITY.

Mr. WILDE, of Georgia, from the committee to whom that part of the President's Message was referred, made the following report:

The committee of the House of Representatives, to whom was referred so much of the President's Message as relates to the subject of a National University, report to the House, as the result of their deliberations, a bill for the erection and endowment of such an institution.

The committee, pursuant to usual forms, might perhaps, without impropriety, regard this as a sufficient performance of their duty, and, after presenting the bill, without comment, have left it to find its appropriate place among others, and to receive or be denied consideration, according to the opinion entertained of its consequence and urgency.

But the number of communications relative to this subject, which, though they have received attention, seem to have escaped it, because they have not been definitely acted on, may possibly expose the House to a censure more serious than that of merely neglecting the successive recommendation of several Chief Magistrates—a censure as injurious as unjust, yet not unbecoming that body to prevent, by making, as soon as possible, some disposition of a question, that ought to be determined, on account of its frequent occurrence, even though it should not otherwise be thought particularly interesting.

No room will then be afforded for even supposing the National Legislature indifferent to an object, admitted by most persons to be desirable, and by many believed to be now both practicable and expedient; justice will be done to the representatives of the people without detracting anything from Executive merit; that confidence, which is the chief strength of our Government, will be preserved, and public opinion, enlightened by discussion, expressing itself at length decisively on the proposed measure, will either require its adoption, sanction its rejection, or acquiesce in its postponement, until the necessity becomes more obvious, or the difficulties that oppose it can be more easily removed.

Your committee, therefore, have ventured to suggest some of the reasons which recommend the present as a favorable time for investigating, and perhaps, also, for adopting the plan they have proposed.

Among these, the prosperous state of our finances, leaving a large unappopriated surplus, the probability of a long continued peace, the flourishing condition of our capital, and the facility with which a portion of the public property within it might now be advantageously disposed of, so as at once to increase the convenience of the city, and support the proposed institution, may fairly be enumerated.

Besides, the information heretofore collected has enabled the committee to report at an early period, and it is believed that the present session, though inevitably a short one, will not present so many objects of great difficulty or deep interest, as entirely to exclude others of a more tranquil and less obtrusive character, to which it is possibly a portion of time might be profitably devoted.

The acquisition of a scientific and literary reputation, not unworthy of their naval and military renown, can never be beneath the ambition of a people, since the most durable of all glory is that of exalted intellect.

The world is still a willing captive to the spells of ancient genius; and the rivalry of modern empires will be perpetuated by their arts and their learning, the preservers of that fame which arms alone may indeed win, but can never keep.

Any measure which contributes, however remotely, to give American literature a rank and name among mankind, cannot, therefore, be regarded with indifference by our citizens; and every effort towards that end must be witnessed at the present moment with unusual satisfaction, since it will present the interesting spectacle of a young nation, bending its whole strength to the pursuit of true greatness, and anxious to emulate all that is amiable in peace as well as all that is noble in war.

That the institution contemplated will have a happy influence on the harmony of our country and the unity

of our national character, has been often supposed, and your committee feel inclined to anticipate effects no less happy from its operation on the genius of our people.

If American invention, unassisted as it has been, already excites the astonishment of Europe, what may not be expected from it when aided and encouraged? And why should not aid and encouragement be yielded by institutions like the present, founded and endowed by the munificence of the State? In our own day we have seen them work wonders in physical science, even when directed by a stern, jealous, and exacting Government, which, while training the mind to be quick, dexterous and daring, darkened its vision, and circumscribed its flight, Is it here alone they would be impotent, where no depth could be hidden from its glance, no height forbidden to its wing?

But your committee, fearful of exhausting your patience, forbear to extend this report by arguments which it is easier to multiply than to withhold; for the same reason they refrain from answering objections which could not be stated without injury, since, in replying to them, force and perspicuity must be sacrificed to conciseness. Nor can such a course be required where it is intended merely to present a general result, not the particular process of reasoning by which that result has been obtained. Your committee, however, desire it to be understood, that they have not declined examining any objection which occurred to them, and though some have been found which it must be confessed are not without difficulty, all are thought capable of a satisfactory answer.

Under a conviction, therefore, that the means are ample, the end desirable, the object fairly within the legislative powers of Congress, and the time a favorable one, your committee recommend the establishment of a National University, and have directed their chairman to submit a bill and estimates for that purpose.

Estimates of the value of lots and squares belonging to the United States, as furnished by a communication from the Superintendent of the City.

Four thousand building lots of 5,265 square feet each, and about 2,000 feet front on the waters of the Potomac river, Eastern Branch, valued at	$750,000
Squares 1 to 6, proposed to be laid off into building lots, containing, in the whole, 816,000 square feet, or 155 standard lots, valued at	200,000

But the latter amount is the only one which it is supposed could be speedily realized.

Estimate of the expense of buildings for the National University, on a plan susceptible of extension, but calculated for the present to answer for one hundred and sixty persons.

Buildings (which it was supposed last year might be completed in the year 1818.)

1. Habitations for the principal and six professors, two buildings, 75 by 54 feet, $30,000 each	$60,000
2. Lodgings for one hundred and sixty students, refectory, (temporarily in the basement story,) fuel and provision, cellars, servants' apartments, 265 feet by 46	75,000
3. Lecture rooms at the southwest angle; steward's apartment, &c., 75 feet square	45,000
4. Planting and enclosing	20,000
	$200,000

A Bill for the establishment of a National University.

Be it enacted, &c., That the President of the United States be, and he is, hereby authorized and required to cause to be surveyed, and laid off into building lots, such part as he shall think proper of the ground reserved of the United States, in the City of Washington, and to cause the same to be sold, at such times and places, and in such proportions, and under such regulations as he shall prescribe; and the proceeds thereof, after defraying the charges of survey and sale, to be invested in such stocks or public securities, as shall, by him, be deemed advisable, and the same, when so invested, and the dividends thereon arising, shall constitute a fund for the support of a National University.

Sec. 2. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to cause to be erected, on such site, within the District of Columbia, as he shall select, the buildings necessary for a National University; and for defraying the expenses thereof, the sum of —— dollars is hereby appropriated, to be paid out of any money in the Treasury of the United States, not otherwise appropriated by law.

Sec. 3. *And be it further enacted*, That the President of the United States be, and he is hereby, requested to cause to be prepared and laid before Congress, at its next session, a plan for the regulation and government of the said University.

The bill was twice read and committed.

NEW YORK CANALS.

Mr. Brooks presented the petition of the commissioners appointed by the State of New York to superintend and provide for the improvement of the internal navigation of that State, signed by De Witt Clinton, their President, praying for assistance, in land or money, from the General Government, to aid in opening a communication, by means of canals, between the navigable waters of Hudson's river and Lake Erie, and between the said waters of Hudson's river and Lake Champlain; which was referred to the Committee on Roads and Canals. The memorial is as follows:

To the honorable the Senate and House of Representatives of the United States in Congress:

The representation of commissioners of the State of New York, in behalf of the said State, respectfully showeth: That the Legislature of the said State in April last passed an act to provide for the improvement of their internal navigation, (of which act we take the liberty of transmitting herewith a copy.) In this it will be seen that a board of commissioners is constituted, and that, among other duties enjoined upon them, they are required to make application to the Government of the United States for cessions, grants, or donations of lands or money, for the purpose of aiding in opening a communication, by means of canals, between the navigable waters of Hudson river and Lake Erie, and the said navigable waters and Lake

Champlain. To fulfil this requisition, then, is the object of this address.

Next to the establishment and security of the right to self-government, we flatter ourselves that no subject requiring legislative interference can be found more interesting than the one which we are charged to lay before your honorable body; and we venture to solicit your favorable consideration of it, in full confidence that an enlightened public spirit may justly give to it such a measure of patronage as cannot fail to produce signal benefits to the nation.

The benefits to be acquired by the United States from the construction of these canals will most obviously and immediately affect their pecuniary and their political interests. More remotely, indeed, they will exert a favorable influence upon every object embraced within the scope of an enlightened and paternal policy. If we consider the extent and fertility of our territory northwest of the Ohio, the large proportion of it which yet remains unsold, the disposition and the ability which our eastern fellow-citizens possess to purchase and to improve it, we cannot be insensible of the great pecuniary advantage which would result from opening to them a safe, easy, and economical passage into that territory. Every dollar saved to them in the expenses of removing thither would operate to enhance the value of the public lands, and, at the same time, to hasten their settlement; and it is obvious that a canal from the Hudson to Lake Erie would save a large portion of these expenses. The number of persons to be affected by this consideration cannot be accurately stated. It certainly would not be small. We are well assured that, in the course of one year since the war, more than twelve thousand new settlers, almost exclusively from the East, have established themselves within the limits of this State, west of the Genesee river.

Whatever adds to the value of all that land produces must increase the value of the land itself. To a country which depends upon a distant market for the sale of its surplus productions, it is of great importance to afford every possible facility of transportation; for all that is taken from the expense of transportation is added to the value of the articles transported, and, by cheapening the rate of carriage, many articles are rendered valuable which would otherwise be worthless. Moreover, if habit or the necessary accommodation of life requires that such a country should consume foreign goods to the amount of all its surplus productions, it is evident that the landholder there enjoys a twofold benefit in every increased facility of transportation. Perhaps the whole of the country between the great lakes, the Mississippi, and the Ohio—certainly the greater part of it—would derive from the completion of our principal canal greater advantages for distant communication than any country so far inland has hitherto enjoyed, and incomparably greater than that country can ever derive from any other means. Regarded, then, merely as a measure of pecuniary wisdom, we trust your honorable body will make such an appropriation in favor of it as will insure its accomplishment.

But considerations of a political nature seem to us most urgently to recommend the construction of these canals. The great influence exercised over the Western Indians, even in our own territory, by the subjects of a foreign Government, we have always had numerous reasons to wish destroyed. This influence depends materially upon establishments erected for the promotion of the fur trade. Any measure that would open, between one of our seaports and the region where furs are collected, a road in all respects preferable to any other, besides drawing to our own citizens a profitable commerce, would tend eventually to the subversion of that influence, and, in the meantime, offer to us important facilities for controlling it.

The trade carried on between our country and the Canadian provinces is already considerable, and is rapidly growing. The fruits of the earth from the southern shores of Erie and Ontario, and from the borders of Champlain, find their way to the ports of our northern neighbors cheaper than they can to any which offers a market of our own, and are there exchanged for the various commodities of foreign countries. This trade is, indeed, profitable to many of our citizens who engage in it, but it is much more so to the British. Subject to their control, they direct it to the advancement of all their public interests; and it is no mean instrument of that advancement. It is evidently the vital spirit of their internal navigation, which it cannot fail to exalt into a consequence that may hereafter greatly affect us. Would not the prosecution of our projects to complete effect result immediately in giving to citizens of the United States the entire profits of this trade, and to Government all the security and influence connected with a thickly settled frontier, and a most decided superiority of shipping on the lakes?

Nothing can be more certain than that the continuance of our Union is essential to our freedom. The means of this continuance are to be found only in the strength of our common interests. Whatever extends and consolidates these interests, must be of distinguished importance to Government; and can anything be imagined more efficaciously conducive to these objects than opening to distant sections of our country the means of easy and profitable intercourse? Virtuous and enlightened men among us have long delighted themselves with looking forward to the period when a canal communication between the Hudson and Lake Erie would afford to half the United States more ample means of promoting every social interest than have heretofore, in any country, been furnished by the accomplishment of any human enterprise.

The advantages of canals were not entirely unknown to ancient Governments. Among them, the wisest and most powerful executed works of this kind in every direction through their territories, for the purpose of agriculture, commerce, and war. The vestiges of many of these are still discoverable; and they are doubtless to be reckoned among the most impressive memorials that remain of ancient greatness. When we recollect the instrumentality which canals have formerly exhibited in collecting the blessings of wealth, strength, and a crowded population for every country through which they passed, and see those very countries, by the neglect and ruin of them, reduced to their original barrenness, can we suppress a conviction of their immense utility? But it is not alone from history, and the faint traces of them which have survived the lapse of many centuries, that the advantages of these improvements are to be known. There are proofs more conclusive; our own times furnish them. In contemplating the present state of Europe, it is impossible not to be struck with the number and extent of her canals; and we perceive that they abound most in those countries where the wants of the social state and the means of power have been most diligently explored, and are most profoundly understood. We see

them there enabling extensive empires to hold in speedy administration to every public object all the resources of their most remote sections, and, at the same time, increasing those resources prodigiously, by the economical exchanges of which they are the occasion. Experience is always a safe guide; it is especially to be trusted when it has been acquired in the midst of difficulties and dangers, and has been sanctioned by the wisdom of different nations. If, then, in the pressing exigencies of recent events, when every power of national defence and annoyance has been exerted, when all the capacities of men, as individuals, and in political combination, have been remarkably evolved, we observe in that quarter of the globe a perpetually growing attention to the subject of canals, is it not expedient, is it not wise, for us to engage in making them? No country is more susceptible of all their benefits than ours; none of larger extent presents fewer impediments to their construction. They constitute improvements peculiarly fit for a Republic. They contribute equally to the safety and opulence of the people, and the reputation and resources of the Government. They are equally desirable in reference to the employments of peace and the operations of war. In whatever light they are viewed, they seem to combine the substantial glories of the most splendid and permanent utility.

But if the execution of those of which we are the advocates be impracticable, or would involve an expense disproportionate to their value, they can have no claim upon the favor of the National Legislature. On these topics we entertain no doubts. The minute examination which has been made this season, under our superintendence, of all the lands which these canals will traverse, has convinced us that an expenditure not exceeding ten millions of dollars would be sufficient to perfect them. Shall they remain unattempted? The State of New York is not unaware of her interests, nor disinclined to prosecute them; but where those of the General Government are united with hers, and seem to be paramount, she deems it her duty to ask for their assistance. Wherefore, in her behalf, we solicit your honorable body to make such an appropriation, in lands or money, to aid in the construction of these canals, as you, in your wisdom, may think reasonable and just.

By order and in behalf of the said commissioners, at a meeting held in Albany on the 10th November, 1816.

DE WITT CLINTON, *President.*

An Act to provide for the improvement of the internal navigation of this State. Passed April 17, 1816.

1. *Be it enacted by the people of the State of New York, represented in Senate and Assembly*, That Stephen Van Rensselaer, De Witt Clinton, Samuel Young, Joseph Ellicott, and Myron Holley, be, and they are hereby, appointed commissioners to consider, devise, and adopt such measures as may or shall be requisite to facilitate and effect the communication, by means of canals and locks, between the navigable waters of Hudson river and Lake Erie, and the said navigable waters and Lake Champlain; and, in case of the resignation or death of any of the said commissioners, the vacancy thereby occasioned shall be supplied by the Legislature, in the manner in which Senators of the United States from this State are directed to be chosen.

2. *And be it further enacted*, That the said commissioners shall choose one of their number to be president of their board, and shall appoint a fit person for their secretary, who shall be allowed and paid such salary as the said commissioners shall deem proper and reasonable; and the president of the said board of commissioners shall have power to call a meeting of the same whenever, in his opinion, the public interests require it; and the said board may adjourn, from time to time, to meet at any time and place they may deem most conducive to the public good; and further, the said commissioners shall have power to employ such and so many agents, engineers, surveyors, draughtsmen, and other persons, as in their opinion may be necessary to enable them to fulfil and discharge the duties imposed upon them by this act, and to allow and pay the said agents, engineers, surveyors, draughtsmen, and other persons, for their respective services, such sum or sums as may be adequate and reasonable.

3. *And be it further enacted*, That it shall be the duty of the said commissioners, as soon as may be after the passing of this act, to cause those parts of the territory of this State which may lie upon or contiguous to the probable courses and ranges of the said canals to be explored and examined, for the purpose of fixing and determining the most eligible and proper routes for the same, and to cause all necessary surveys and levels to be taken, and accurate maps, field-books, and draughts thereof to be made; and further, to adopt and recommend proper plans for the construction and formation of the said canals, and of the locks, dams, embankments, tunnels, and aqueducts which may be necessary for the completion of the same, and to cause all necessary plans, draughts, and models thereof to be executed under their direction.

4. *And be it further enacted*, That the said commissioners, or a majority of them, shall be, and they are hereby, authorized and required to make application, in behalf of this State, to the Government of the United States, and of such States and Territories as may be benefitted by the said canals, or either of them, to the proprietors of lands through or near which the said canals, or either of them, may or may be proposed to pass, to all bodies politic and corporate, public or private, and to all citizens or inhabitants of this or any other of the United States, for cessions, grants, or donations of land or money, for the purpose of aiding in the construction or completing of both or either of the said canals, according to the discretion of the several grantors or donors, and to take to the people of this State such grants and conveyances as may be proper and competent to vest a good and sufficient title in the said people to the lands so to be ceded or granted as aforesaid; and, for the purposes above mentioned, it shall be the duty of the said commissioners to open books of subscription in such and so many places as they may think necessary and expedient, and under such rules and regulations as they may from time to time establish; and further, it shall be their duty to ascertain whether, to any and to what amount, and upon what terms, loans of money may or can be procured, on the credit of this State, for the purposes aforesaid.

5. *And be it further enacted*, That it shall be the duty of the said commissioners to make, or cause to be made, with as much accuracy and minuteness as may be, calculations and estimates of the sum or sums of money which may or will be necessary for completing each of the said canals, according to the plan or plans which may be adopted and recommended by them for the construction or formation of the same, and to cause

the said calculations and estimates, and all surveys, maps, field-books, plans, draughts, and models authorized and directed by this act, or so many thereof as may be completed, together with a plain and comprehensive report of all their proceedings under and by virtue of this act, to be presented to the Legislature of this State within twenty days after the commencement of the next regular annual session thereof.

6. *And be it further enacted*, That the treasurer shall, on the warrant of the comptroller, pay to the order of a majority of the said commissioners, out of any moneys in the treasury not otherwise appropriated, any sum or sums not exceeding twenty thousand dollars, and for which the said commissioners shall account to the comptroller of this State.

7. *And be it further enacted*, That the act entitled "An act to provide for the improvement of the internal navigation of this State," passed the 8th day of April, 1811, and the act entitled "An act further to provide for the improvement of the internal navigation of this State," passed June 19, 1812, be, and the same are hereby, repealed.

LEAVE OF ABSENCE TO MR. SERGEANT.

Mr. HOPKINSON, of Pennsylvania, after stating the actual or contemplated departure of Mr. SERGEANT, a member of this House from Pennsylvania, for Europe, and the little advantage and the needless trouble an election to supply his place for a short remainder of this session would afford, which consideration prevented Mr. S. from resigning his seat—moved, that Mr. SERGEANT have leave of absence for the remainder of the session.

This motion, was objected to by Mr. FORSYTH, as unprecedented and incorrect, inasmuch as the member in question had not appeared in his seat at the present session, and could not have leave of absence, where he had not been present.

Hence arose a brief debate.

Messrs. PITKIN, HOPKINSON, and GROSVENOR, and others, supported the motion, on the ground of precedents somewhat analogous, and on the merit of Mr. SERGEANT's claim to this indulgence, on account of the importance to the public of the business he had undertaken.

Messrs. NELSON, FORSYTH, and SOUTHARD, opposed the motion, as well because without precedent applicable to the case as without a foundation in right or reason. It was no sufficient excuse, it was contended, particularly by Mr. NELSON, for a member of this House to abandon his duties, that he had accepted another post of honor or of profit; his duties and obligations in and to this House being paramount to any other except those of necessity.

By some gentlemen, both for and against the motion, it was contended and admitted, that Mr. SERGEANT's absence was a question between him and his constituents, with which the House had no concern. But, on the other hand, it was objected that to pass a vote giving him leave of absence, would be sanctioning what was certainly a relinquishment of his public duties.

At length, Mr. HOPKINSON varied his motion, so as to stand thus; that Mr. SERGEANT be excused from attending the House for the remainder of the session.

To this also Mr. FORSYTH objected, considering it in substance the same as the first.

The question on agreeing to it was taken—yeas 74, nays 81. So the motion was rejected.

THURSDAY, December 12.

Three other members, to wit: from New York WESTEL WILLOUGHBY, jun.; from Virginia, JOHN RANDOLPH; and from South Carolina, THOMAS MOORE, appeared and took their seats.

Mr. WRIGHT presented the memorial of the Managers of the Delaware and Chesapeake Canal Company, formerly presented. He moved that it be referred to a select committee.

Mr. INGHAM said, he was friendly to the memorial, but suggested the propriety of its being referred to the Committee on Canals and Roads, already created.

Mr. WRIGHT remarked that this case was not an application for a canal to be laid out, or established by law, but was materially distinguishable from that case; that already a company had fixed the site, and made considerable progress in the business; but finding their funds inadequate to the object, Pennsylvania, Maryland, and Delaware, had each, on their application, taken a considerable share in the stock; hence we were not left to infer the propriety of cutting the canal or the site of it. This memorial, after exhibiting the approbation of the private and public adventurers, asks the United States also to become adventurers and stockholders, to aid in the completion of so important a work. I, sir, can have no objection to that committee; but in the mass of their labors, I presume it will not be so exclusively attended to as if submitted to a select committee, to which I hope it may be referred.

It was referred, however, to the Committee on Roads and Canals.

Mr. ROBERTSON, from the Committee on the Public Lands, made a report on the petition of the Kentucky Abolition Society, which was read and ordered to lie on the table.

Mr. CONDICT, from the committee appointed on the petition of Doctor James Smith, reported a bill supplementary to the act heretofore passed, "for the encouragement of vaccination," which was read twice, and committed to a Committee of the Whole.

On motion of Mr. McLEAN, the select committee, to whom was referred the report of the acting Secretary of War, in pursuance of the resolution of the 4th instant, were instructed to inquire into the expediency of opening the road from Reynoldsburgh, in the State of Tennessee, to intersect the Natchez road, as surveyed and marked by the commissioners appointed for that purpose; and that they report by bill or otherwise.

On motion of Mr. BRYAN, the Committee on Military Affairs were instructed to inquire into the expediency of providing, by law, for the payment of such articles of military clothing as may be due soldiers discharged from the Army of the United States.

On motion of Mr. BENNETT, the Committee of

Ways and Means were instructed to inquire into the expediency of modifying or repealing the act, entitled, "An act laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise."

An engrossed bill for the relief of Nathaniel Williams, was read the third time and passed.

Mr. Wright, of Maryland, from the committee to whom the subject was referred, reported a bill "to authorize the settlement and payment of certain claims for the services of the militia." [This bill requires the accounting officers of the Treasury to credit and settle all accounts for services of any detachments of militia called into service under the authority of the States for the defence of any part of the United States against the invasion of the enemy during the late war, in the same manner and on the same principles as accounts for the services of militia called out under the authority of the United States—payment therefor to be made in six per cent. stock, to be created for the purpose, provided the States interested shall accept the same as full satisfaction for the claims.] The bill was twice read, and committed.

Mr. Johnson, of Kentucky, from the Military Committee, reported a bill to establish three additional Military Academies, (one in this District, one at Mount Dearborn, South Carolina, and one in the vicinity of Newport, Kentucky, at the confluence of the Ohio and Licking rivers.) The bill received the usual readings, and was committed to the same committee to whom was committed the bill for the establishment of a corps of invalids.

Mr. Wilde, of Georgia, offered for consideration the following resolution, under the impulse of positive information of its necessity; to prevent frauds committed by the sales of vessels abroad, and discharging the seamen without payment of their wages, &c.:

Resolved, That the Committee on Foreign Relations be instructed to inquire what alterations are necessary in the several acts for the government and regulation of seamen in the merchant service, and for the relief of sick and disabled seamen, or of those discharged abroad after the sale of their vessels.

After some observations from Mr. Smith, of Maryland, respecting existing laws and usages on the subject, and by Mr. Wilde, the resolution was agreed to.

Mr. Bennett offered for consideration the following resolution:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of repealing or modifying the act laying duties on retailers of wines, spirituous liquors, and foreign merchandise.

Mr. Lowndes, of South Carolina, remarked, that, as a member of the Committee of Ways and Means, he certainly could have no objection to any inquiry which the House might direct; but, in his opinion, there never had been a moment when there was less inducement to repeal this tax than now; and stronger reasons might perhaps be adduced for increasing than for reducing it. He had risen only to say, that he did not wish those who, with him, would vote for the inquiry, because requested by a member, to be considered as at all pledged to co-operate in the ultimate object of the mover.

The resolution was agreed to.

On motion of Mr. Nelson, of Virginia, (who suggested the great economy and saving to the United States, as well as benefit to the soldiers, of such a provision,) it was

Resolved, That a committee be appointed to inquire into the expediency of authorizing a commutation for money of the bounty land to soldiers of the regular army, and that they report thereon by bill or otherwise.

Mr. Atherton, of New Hampshire, offered for consideration a resolution embracing the proposition of an amendment to the Constitution of the United States, in the following words:

"The Congress shall have power to establish a National University."

And on the usual question, will the House now proceed to the consideration of the resolution, it was decided in the negative, thus: For considering it 54, against it 86.

NATIONAL FLAG.

On motion of Mr. Wendover, of New York, the House proceeded to the consideration of his motion to appoint a committee to inquire into the expediency of altering the flag of the United States.

Mr. W. said he deemed it improper, in the present stage of the business, to discuss the merits of the proposition to alter the flag, as the object of his motion was inquiry only. As to any essential alteration, he hoped no man in the House would consent to change a flag, under which had been falsified the predictions of European orators and paragraphists, when they said the Yankee cock-boats were to be speedily driven from the ocean. His object, Mr. W. said, was to make an unessential variation. When first adopted, the flag bore one star and one stripe for every State; when two additional States entered the Union, the flag had been altered by a special act, by the addition of two stars and stripes, which made the flag correspond to the fact. Since that alteration, four States have been added, and the flag remains the same. Conceiving this not to be correct, and that the flag might be appropriately altered, he hoped the House would consent to the proposed inquiry.

Mr. Robertson, of Indiana, said he had, for his part, no objection to the proposed alteration; and suggested the expediency of some general law for altering the flag in future, by proclamation of the Executive, on the admission of new States into the Union.

Mr. Taylor, of New York, was in favor of the inquiry, and for a reason different from that assigned by his colleague. He had been informed by naval gentlemen, that our flag could be seen and recognised on the ocean at a greater distance than that of any other nation. If the stripes and

stars were increased, the flag would become less distinct to distant observation, which Mr. T. was desirous to prevent, and therefore was in favor of restoring the flag to its original character of *thirteen* stars and stripes, and establishing it permanently the same.

The motion of Mr. WENDOVER was agreed to, and a committee ordered to be appointed accordingly.

CARRIAGE TAX.

Mr. ROOT, of New York, prefaced a motion he rose to make by some observations to show the severity of the operation of the carriage tax on that description of carriages, (light wagons, &c.) used by farmers and people in moderate circumstances, on farming and market business, and occasionally in carrying families to church, or to see their neighbors, &c., and argued that, as the faith of the United States was no longer pledged to retain the tax, it should be dispensed with without prejudice to the public service. He then moved—

"That the Committee of Ways and Means be instructed to inquire into the expediency of repealing so much of the law laying a tax on carriages, &c., as relates to carriages and harness, not exceeding one hundred dollars in value."

Mr. WRIGHT, of Maryland, moved to amend this motion so as to strike out the limit to one hundred dollars in value, and thus to include an inquiry into the expediency of repealing the whole law. He predicated this motion on the inequality of the operation of this whole tax, which was very grievous in some sections of the country, while in the larger proportion it was scarcely felt.

Mr. DESHA, of Kentucky, was opposed to Mr. WRIGHT'S motion, thinking that no tax could be more equitable than a tax on luxury and expensive habits. As to the inequality of the tax, it was more than counterbalanced by the inequality, in an inverse proportion, of other taxes.

Mr. WRIGHT'S amendment was lost; and Mr. ROOT'S motion carried, but not by a large majority.

FRIDAY, December 13.

Another member, to wit: from New York, WILLIAM IRVING, appeared and took his seat.

Mr. ARCHER presented a petition of sundry inhabitants of Hartford county, in the State of Maryland, praying that a law be passed prohibiting, for a limited time, the exportation of breadstuffs, and the distilling of spirituous liquors from grain, in consequence of the short crops of those articles made at the last harvest, and the high price they now bear.—Referred to the Committee of Commerce and Manufactures.

Mr. BETTS, from the committee appointed on the petition of Luther Bingham, made report, which was read: When Mr. BETTS reported a bill for the relief of Luther Bingham, which was read twice, and committed to a Committee of the whole House to-day.

On motion of Mr. JOHNSON, of Kentucky, the Committee on Post Offices and Post Roads were instructed to inquire into the expediency of opening a road from Louisville, on the Ohio, to Newcastle, and thence by Boone court-house, &c., to Cincinnati; and the Committee of Pensions were instructed to inquire into the expediency of paying to the heirs of Edward Abbott and John Abbott the pay due to them for services in the Revolutionary war.

The SPEAKER laid before the House a report from the Secretary of the Treasury on the claim of Pentland, Hegins, and Co.; which, together with said petition, was referred, on motion of Mr. T. WILSON, to the Committee of Claims.

MILITIA OF THE STATES.

The SPEAKER laid before the House a letter from the acting Secretary of War, enclosing "A plan for classing and arming the militia, and for calling them forth to execute the laws of the Union, suppress insurrections and repel invasion," in obedience to a resolution of this House passed on the 16th of April last; which were read and referred to the Committee on a re-organization of the Militia. The report is as follows:

DEPARTMENT OF WAR, *Dec.* 13, 1816.

SIR: In compliance with a resolution of the House of Representatives, dated the 16th of April last, requesting the Secretary of War "to report, at an early day of the next session of Congress, a system for the organization and discipline of the militia, best calculated, in his opinion, to promote the efficiency of that force, when called into the public service," I have the honor to submit the enclosed plan.

With sentiments of great respect, &c.

GEO. GRAHAM,
Acting Secretary of War.

HENRY CLAY, *Speaker House of Reps.*

A Plan for classing and arming the militia, and for calling them forth to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the laws heretofore passed for those purposes.

The militia of the United States shall be classed by the proper authority of the several States and Territories, in the following manner:

Those between eighteen and twenty-one years of age, shall be called the minor class; those between the age of twenty-one and thirty-one years of age, shall be called the junior class; and those over thirty-one, and under forty-five years of age, shall be called the senior class of militia.

That the militia of the minor class shall be liable to be called into the service of the United States, within the State or Territory to which they belong, for a term not exceeding —— months.

The militia of the senior class shall be liable to be called into the service of the United States, within the State or Territory to which they belong, and in the adjoining States and Territories, for a term not exceeding —— months.

The militia of the junior class shall be liable to be called into the service of the United States, for the performance of any duty requirable of the militia under the Constitution of the United States, for a term not exceeding —— months.

That when any portion of the militia of the junior class shall be called into the service of the United States, for a term exceeding —— months, they shall, by the United States, be armed, equipped, and clothed, in the same manner as the regular troops.

That the militia of the minor and junior classes, of each division, shall be annually assembled at not more than two cantonments within the same, at such time and place, and for such periods, as shall be designated by the proper authority of the several States and Territories; during which time, they shall be trained under the authority of the States agreeably to the system, discipline, and police, which is or may be adopted for the government of the Army. And officers of experience shall be detailed by the Executives of the several States and Territories, who shall, at the times and places appointed, organize the militia so assembled, into companies, battalions, regiments and corps, and command the same accordingly, during their encampment: *Provided*, That it shall be the duty of all non-commissioned officers, under thirty-one years of age, who may not be detailed for command, punctually to attend such encampment of their division, and act in any capacity of staff, or non-commissioned officer, which shall be assigned them: *Provided also*, That the militia of the said minor and junior classes, belonging to the cavalry, shall attend, and be organized and instructed as infantry.

That whilst the militia are so assembled, they shall be subsisted and equipped at the expense of the United States, provided they shall be called out and embodied by the several States, for a periodnot less than —— weeks.

That the militia shall be organized by the Legislatures of the several States and Territories, into divisions, brigades, regiments, and corps; and that the organization of the regiments of infantry, riflemen, and cavalry, shall be the same as is now prescribed for the organization of the infantry of the United States. A brigade shall be composed of four regiments of infantry, one regiment of riflemen, one battalion of artillery, (to be organized as the corps of artillery of the regular army is now organized,) and of as many troops of cavalry as the Executives of the several States and Territories may authorize, not exceeding ——.

And the privates of the rifle regiment, and of the light companies of each regiment of infantry, shall be composed of men between the ages of eighteen and thirty-one years. Two brigades shall form a division.

That there shall be erected in each State and Territory, by the United States, one or more arsenal or depot for arms, equipments, tents, and equipage, from which supplies shall be furnished upon requisitions of the Executives of States or Territories, made upon the War Department, from which all orders for the delivery of supplies must be given; and the arms and equipments so delivered shall be charged to the States and Territories, under the provisions of the act of April 23, 1808, for arming and equipping the whole body of the militia: *Provided*, That, in lieu of the appropriation under that act, there shall be applied, annually, under the direction of the President of the United States, the sum of —— dollars.

That such tents and camp equipage as may be delivered to the militia, shall be receipted for at the depots, by officers designated for that purpose by the Executives of the several States and Territories, and charged to them: *Provided*, That credit shall be given for all such as may be returned without other damage than the usual injury of service.

That whenever the United States shall be invaded, or, in the opinion of the President, shall be in imminent danger of invasion from any foreign nation or Indian tribe, it shall be his duty to call forth such numbers of the militia as he may judge necessary to repel such invasion.

That whenever the laws of the United States shall be opposed, or the execution thereof be obstructed, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested by law in the marshals, it shall be the duty of the President to call forth such portion of the militia as may, in his opinion, be necessary to suppress such combinations, and to cause the laws to be duly executed.

That, whenever it may be necessary, in the judgment of the President, to call forth the militia for the purposes aforesaid, it shall be his duty forthwith, by proclamation, to command such insurgents to disperse, and retire peaceably to their respective abodes, within a time to be limited in the proclamation.

That in case of an insurrection in any State or Territory against the Government thereof, it shall be the duty of the President, on the application of the Legislature of such State or Territory, or of the Executive of such State or Territory, when the Legislature thereof cannot conveniently be convened, to call forth such number of the militia of any State or Territory as may, in his opinion, be sufficient to suppress such insurrection.

That whenever, from any of the occurrences herein mentioned, it shall become the duty of the President to call forth the militia, he may require the Governor or Commander-in-chief of the militia in any State or Territory, or such officer of the militia as he may judge expedient, to execute his orders, so far as they may be applicable to their respective commands.

That whenever any part of the militia shall be called into the service of the United States, their organization shall be the same as may, at the time, be provided by law, for the organization of the Army of the United States; except when called out by companies, corps, regiments, or brigades, when they shall preserve their local organization.

That the militia employed in the service of the United States shall be subject to the rules and articles of war, which are, or shall be, provided for the government of the Army of the United States.

That every officer or non-commissioned officer, who shall fail to obey the orders of the President, or the orders of a superior officer of the militia, which may be issued in virtue of such orders, in any of the cases before recited, for calling forth the militia, shall forfeit and pay a sum not exceeding —— months' pay, nor less than —— months' pay, which he would be entitled to receive if he were in the actual service of the United States for life, or such term of years as shall be determined and judged by a court martial.

That every officer, non-commissioned officer, musician and private of the militia, who shall be detached as aforesaid, and shall disobey the orders of the President, or of any superior officer, for the purposes of carrying into effect the object herein contemplated, shall be liable to be tried by a court martial, and receive such punishment as is pointed out by the martial law for similar offences; and, moreover, the non-commissioned officer, musician, and private, detached as aforesaid, or shall be accepted as substitutes, as hereinafter mentioned, who shall refuse or neglect to march and join his corps, when ordered so to do by his superior

officer in the detachment, shall be considered as a deserter from the service of the United States, and shall be dealt with accordingly: *Provided, nevertheless,* That any non-commissioned officer, musician, and private of the militia, who shall be detached for the service of the United States as aforesaid, shall have a right to furnish an able-bodied man belonging to the militia as a substitute.

That regimental chaplains in the militia which have been, or shall be, called into the service of the United States, shall receive the same monthly pay and rations as a captain of infantry, with the addition of forage for one horse; and whenever called forth into the service of the United States, division quartermasters shall be entitled to the pay, emoluments, and allowance of a deputy quartermaster general; brigade quartermasters to the pay, emoluments, and allowance of an assistant deputy quartermaster general; and regimental quartermasters to the pay and emoluments of a lieutenant of infantry, and sixteen dollars per month in addition thereto, and forage for one horse; division inspectors shall be entitled to the pay, emoluments, and allowances of a lieutenant-colonel of infantry; brigade majors to the pay, emoluments, and allowances of a major of infantry; aids-de-camp to major generals to the pay, emoluments, and allowances of a major of cavalry; and aids-de-camp to brigadier generals to the pay, emoluments, and allowances of a captain of cavalry.

That the expenses incurred, or to be incurred, by marching the militia of any State or Territory of the United States to their places of rendezvous, in pursuance of a requisition of the President, or which shall have been, or may be, incurred in cases of calls made by the authority of any State or Territory which shall have been, or may be, approved by him, shall be adjusted and paid in like manner as the expenses incurred after their arrival at such place of rendezvous, on the requisition of the President: *Provided,* That nothing herein contained shall be considered as authorizing any species of expenditure previous to arriving at the place of rendezvous, which is not provided, by existing laws, to be paid for after their arrival at such place of rendezvous.

That in all cases when a brigade of militia shall be called into the service of the United States, it shall be the duty of the brigade major of such brigade to inspect and muster the same, and sign the muster rolls. If less than a brigade of militia be called into the service of the United States, then it shall be the duty of a brigade major of the division wherein such militia may rendezvous, to inspect and muster the same, and sign the muster rolls; two musters to be made in the manner aforesaid, one on the assembling, and the other on the discharge of such militia. If it should so happen that there be no brigade major in the brigade, where such militia shall be called out, or in the division where they shall rendezvous, the commanding officer may direct any officer, under the rank of lieutenant-colonel, to inspect and muster the militia so called forth.

That no writ or civil process, issuing from any court of the United States, shall be served upon any militia man, or levied upon his property, while performing militia duty in the service of the United States; nor shall any judgment be entered in the said courts, in any of the aforesaid cases.

All offences committed by the officers, non-commissioned officers, privates, or musicians of the militia, subsequent to their detachment for the service of the United States, or orders to march for that service agreeably herewith, and before their assembling at the appointed place of rendezvous, shall be tried by courts martial, to be composed of militia officers only, of the State or Territory to which such delinquents shall belong, not in the actual service of the United States. All offences committed by the officers, non-commissioned officers, privates, or musicians of the militia, whilst in the actual service of the United States, shall be tried by courts martial composed of militia officers only in the service of the United States: *Provided,* That offences committed whilst in the service of the United States may be tried and punished, although the term of service of the delinquent may have expired, and the court martial for the trial of such offences shall be composed of militia officers, without regard to their having been in the service of the United States.

That if any delinquent, directed to be summoned to appear before a court martial for neglect or refusal to obey the orders of the President, shall be absent when any non-commissioned officer shall call to summon him, a copy of the summons or written notice thereof, signed by him, and left with some person, of suitable age and discretion, at the usual place of abode of such delinquent, at least ten days previous to the day of appearance, shall be held and taken to be a sufficient summons of such delinquent; and in case of the non-appearance of such delinquent, the court martial may proceed on his trial in the same manner as if he had appeared and plead not guilty of the charge exhibited against him.

That it shall be the duty of the president of any court martial, for the trial of militia, if required, and upon his being duly satisfied that such testimony is material to the trial, to issue his precept, directed to any person to be summoned as a witness, commanding his or her attendance at such court, to testify for or against the person to be tried, as the case may be; and any witness having been duly summoned, and failing to appear without a reasonable excuse, shall forfeit and pay a sum not exceeding fifty dollars, to be sued for and recovered in the name of the United States, by bill, plaint, or information, in any court of competent jurisdiction. And if any witness, when called upon for that purpose, shall refuse to testify, or shall behave with contempt to the court; or if any other person shall use any menacing words, signs, or gestures, in presence thereof, or shall cause any riot or disorder therein, it shall be lawful for such court to punish every such offender by imprisonment, for a term not exceeding one month, at the discretion of the court.

That, for the purpose of carrying into execution the sentence, judgment, or order of any court martial, for any of the offences specified in the last clause of the preceding article, it shall be lawful for the court to issue an order to any commissioned officer of the militia, not below the rank of captain, commanding him to carry the same into effect by military force, whose duty it shall be to obey the same, and execute the order accordingly.

That on the trial of delinquents for offences not capital, by any such court martial, the deposition of witnesses taken before a justice of the peace, or other person authorized to take affidavits to be read in any court of record in the State or Territory where the same shall be taken, may be read in evidence, provided the prosecutor and person accused are present at taking the same, or are duly notified thereof. And further, that the returns of captains, or other commanding offi-

cers of companies of delinquents draughted or ordered into the service of the United States, who shall have refused or neglected to enter the same, sworn to as aforesaid, shall be competent evidence of the facts therein contained.

That if any person shall willingly swear false before any such court martial, or in any affidavit or deposition taken as aforesaid, he or she shall be adjudged to be guilty of wilful and corrupt perjury, and shall be indicted, tried, and punished accordingly, by any court of competent jurisdiction, in the State or Territory where such offence shall be committed.

TONNAGE DUTIES.

Mr. LOWNDES, of South Carolina, from the Committee of Ways and Means, introduced the following report and bill:

The Committee of Ways and Means, who have been instructed to inquire into the expediency of amending the act entitled "An act to regulate the duties on imports and tonnage," so far as it relates to duties on tonnage, report:

That it appears, by a letter from the Secretary of the Treasury, which accompanies this report, that, under the construction put by the Treasury Department upon "the act to regulate the duties on imports and tonnage," the duty paid upon foreign vessels entering the ports of the United States has been two dollars per ton, as well since as before the 30th of June last. The committee have no hesitation in recommending to the House a bill, which will make the rate of duty upon the tonnage of vessels engaged in a trade which is open to American navigation, the same as is provided by the act of July 20th, 1790. By this act the duty upon vessels of the United States entering from a foreign port, is six cents per ton; on vessels built within the United States, after the 20th day of July, 1789, but belonging wholly or in part to subjects of foreign Powers, thirty cents per ton, and on other vessels fifty cents per ton. This low rate of duty cannot prudently be applied to vessels engaged in a trade between the United States and ports from which American tonnage is excluded. The subject of such trade has been referred to the Committee of Foreign Relations, and the second section of the bill proposed is intended only to continue it in the state in which it has been placed by the construction of the act of the last session, until that committee can have time to mature a more extensive and adequate remedy for the embarrassments of our navigation. The bill proposed contains a reference to the act of 1790, instead of a repetition of its enactments. A different course, though it might be more regular, would spread upon the statute book many minute provisions, which the passage of a navigation law, before the close of the session, might modify or repeal.

A Bill supplementary to "An act to regulate the duties on imports and tonnage."

Be it enacted, &c., That the tonnage duties to be paid by ships or vessels which shall be entered in the United States, excepting, only, such foreign ships or vessels as shall be entered from any foreign port or place, to or with which vessels of the United States are not ordinarily permitted to go and trade, shall be the same as are provided by the act, entitled "An act imposing duties on the tonnage of ships or vessels," passed on the twentieth day of July, in the year of our Lord 1790. *Provided always*, That nothing in this act contained shall be deemed in any wise to impair any rights and privileges which have been, or may be, acquired by any foreign nation under the laws and treaties of the United States relative to the duty on tonnage of vessels.

And be it further enacted, That, on all foreign ships or vessels which shall be entered in the United States before the thirtieth day of June next, from any foreign port or place to and with which vessels of the United States are not ordinarily permitted to go and trade, there shall be paid a duty at the rate of two dollars per ton. And the duties provided by this act shall be levied and collected in the same manner, and under the same regulations, as are prescribed by law in relation to the duties upon tonnage now in force.

The bill was committed.

UNIFORM BANKRUPT LAW.

Mr. HOPKINSON, of Pennsylvania, from the Committee on the Judiciary, reported a bill "to establish an uniform system of bankruptcy."

In introducing the bill, Mr. H. observed, that the committee hastened to bring this subject before Congress, under an impression of its great importance, and with the hope that the House would give the subject an early consideration. The change a few years ago in the political relations of the United States, and the corresponding course of commerce, produced embarrassments among commercial men, some of them attended with the most serious consequences. If it was the disposition of Congress to afford them some relief in this way, the sooner it was done, the better; if not, the earlier this determination was known, the sooner those interested would be relieved from suspense. The late decision of one of the State courts respecting the validity of acts of insolvency of one State in other States, &c., had produced an uncertainty on this subject, which seemed to require the establishment, by the General Government, of some rules to operate with equal effect throughout the Union. This he suggested as another reason why Congress should give the subject a serious consideration. The frauds which take place under the State insolvent laws, giving to one creditor unjust preference over another, &c., Mr. H. said, afforded another argument in favor of the establishment of an uniform system, and ought to induce the House to give an early consideration to the bill which the committee had instructed him to report.

The bill received the usual readings and commitment.

COMPENSATION TO LATE OFFICERS.

Mr. JOHNSON, of Kentucky, from the Military Committee, reported the following bill:

A Bill making donations of land to the disbanded officers of the late Army.

Be it enacted, &c., That donations of land be granted to all the officers of the regular army who have been disbanded as supernumeraries, either in consolidating regiments or corps during the late war, or in reducing the army conformably to the act of March the third, one thousand eight hundred and fifteen, as follows, to wit: to each major general, one thousand two hundred and eighty acres; to each brigadier gen-

eral, one thousand one hundred and twenty acres; to each colonel and lieutenant colonel, nine hundred and sixty acres; to each major, eight hundred acres; to each captain, six hundred and forty acres; to each subaltern, four hundred and eighty acres; and to officers of the medical and other staff, who have no rank, in proportion to their pay according to the scale aforesaid.

The bill took the usual course of reading and commitment.

THE EXCISE ON SPIRITS.

Mr. HARDIN, of Kentucky, rose to propose a resolution to the House. His object in offering it thus early was, that Congress might not make such an impression on the public funds as to make his motion inapplicable. He said he discovered, from the President's Message, that, after meeting every demand on the Treasury, and many of them were of an extraordinary character, arising from the late war, there would remain in the Treasury, at the close of the year, an excess of nine millions of dollars; and also that, on making a fair and accurate calculation of the amount necessary to support the civil list, military and naval establishments, paying the interest, and gradually redeeming the principal of the public debt, there would remain a surplus of five millions of dollars beyond the necessary annual expenditure. In that case, the excise could certainly be dispensed with. He, therefore, meant to make a motion to bring into view that object, before some extraordinary disposition was made of the public money; inasmuch as there was already on the table a bill to establish a National University, the first cost of which was to be $200,000, without taking into view its endowment; another bill for three or four additional Military Academies, which would cost the nation between five hundred thousand and a million of dollars; another for a corps of invalids of 2,000 men, which is to cost a million a year or more; and a proposition to commute the bounties of land given to the soldiers into specie, which will cost perhaps ten millions more. He wished first to see the excise taken off, and then, if any surplus remained, they might talk, if they chose, about Military Academies and Invalid Corps. After adding that the tax in question was a peculiarly oppressive one, and operated with great inequality, Mr. H. offered the following resolution, with a view to call for the consideration of it at a future day:

"*Resolved*, That it is expedient to repeal the act, entitled 'An act to repeal the existing duties on licenses to distillers, and to lay other duties in lieu of those at present imposed on licenses to distillers of spirituous liquors,' except such parts thereof as may enable the Government to collect the sums now due under said act, or may become due before the repeal of said act takes effect."

The question being stated, on ordering this resolve to lie on the table—

Mr. LOWNDES, of South Carolina, said he was glad of the course the gentleman from Kentucky had given to his resolution, supposing that he meant to permit it to lie on the table until the annual report of the Secretary of the Treasury should come before the House. When that report should arrive, the view which the gentleman from Kentucky and the House would take of that subject, would be different from that which they would now take. By inferences, drawn from the amount receivable into the Treasury, and not the amount actually accrued; from an amount from which no deductions were made for claims to come in under appropriations of the last session—he was satisfied an erroneous impression had been made on the House by the Message, both in reference to the disposable surplus in the Treasury, and to the proportion between the annual expenses and the annual receipts in the Treasury. From the surplus estimated, must be deducted the amount of appropriations for the payment of demands not yet rendered but forming claims on that surplus. On a full examination and due estimate of the expenses and future receipts into the Treasury, Mr. L. said, he was satisfied even the gentleman from Kentucky would entertain views of this subject widely different from those he now expressed.

The motion of Mr. HARDIN lies on the table.

COMMISSIONER OF CLAIMS.

Mr. FLETCHER, of Kentucky, moved to instruct the Committee of Claims to inquire into the expediency of remunerating Henry Brothers, now of Kentucky, for losses sustained on the Niagara frontier by the United States Army, and the enemy.

Mr. FORSYTH, of Georgia, rose to inquire whether this case was not included in the act of last session, for compensating claimants for certain lost or destroyed property.

Mr. FLETCHER said, he did not consider it to be included within that law; but, though the case was not embraced by that law, he was satisfied Congress would recognise its justice, and direct it to be paid.

Mr. FORSYTH said, his chief object was to take this method of apprizing the House of the fact, that the execution of that law was not suspended, but that under it claims were daily decided, of the same character as that which the gentleman from Kentucky considered not to come within the act.

Mr. YANCEY, of North Carolina, said, it was impossible to say whether the case embraced in this resolution was, or was not, proper to be provided for, since none of the circumstances had been stated; but certain it was, that the act of the last session had not authorized the payment of any such claim.

Mr. JOHNSON, of Kentucky, said, he was glad to hear the gentleman from Ohio had made his opposition to this motion, not from any opposition to its merits, but to suit a different proposition of his own, which the House had more than once refused to consider, and which he hoped would again be refused whenever he should call it up. The resolution now before the House was one almost, of course, such as would be adopted at the

request or suggestion of any member of the House —a mode of proceeding arising from the necessity of the case, documents to support the claim being sent on without any accompanying petition. In relation to the proposition the gentleman had alluded to, it was not before the House now, and could not be debated. Whenever it was, Mr. J. said, he, too, should take occasion to say what he knew of the law relating to the payment for lost property, and of its execution.

Mr. Forsyth said, it was certain, indeed, that his proposition had not been taken up when he asked for it; but it had been only once refused, and he hoped it would not be again. If it were proper here to enter into the question, he thought he could satisfy the House that the course which he had proposed was not improper. There is, said he, a law in existence, under which such claims are settled. The Commissioner does settle such claims; he has settled them, and would, I presume, settle this claim. He wished the House to be apprized of the fact, that, though there was no law authorizing payment of such claims, the Commissioner acted as if there were.

Mr. Fletcher's motion having been agreed to *nem. con.*, Mr. Forsyth called up his motion, in the following words:

Resolved, That the President of the United States be, and he is hereby, requested to order the further execution of the said act to be suspended, until the subject shall be disposed of by this House.

Mr. Forsyth said, he thought no man could doubt the propriety of doing something on this subject, if he would properly reflect on it. One part of the act had been suspended by the President, who suggested in his Message the propriety of revising other parts of the act; which proposition, as well as an inquiry into the acts of the Commissioner, was now before a committee of the House. From want of understanding, or from want of integrity, incorrect decisions had certainly been made by the Commissioner. It was a little extraordinary, Mr. F. said, after what had taken place, that the Commissioner should be permitted to execute the remainder of the act—to pass judgments to an indefinite amount; these judgments to be immediately paid at the Treasury, without revision or control. This required some interference on the part of this House. We can only judge what is to come from what is past. We know that erroneous decisions have been made by the Commissioner; and may presume that others will be. Mr. F. said, there appeared to him no reasonable objection to the shape in which he had brought his motion before the House, yet he was not wedded to it. If any other course should be thought better, to attain the same object, he should not object to it.

Mr. McKee, of Kentucky, was not in favor of this motion. It had been alleged that the decisions of the Commissioner, under one section of the act, had been incorrect; but even the gentleman from Georgia himself had not alleged that decisions under other branches of the law were incorrect. Why, then, would the gentleman suspend the operations of a public officer, against which nothing had been alleged? For, Mr. McK. said, he heard no allegation made of incorrect decision in regard to any other class of cases than those coming under the ninth section of the act, which the President had already suspended. He could, therefore, see no necessity or propriety in extending the resolution so widely as to embrace cases, on the decision of which even rumor threw no blame. Besides, the subject was under inquiry by several committees. Why not let the committees already appointed discharge their duty? Why take up the subject, and act thus prematurely? For any decision must be premature, made in the absence of that information which the House had taken the usual and regular mode of obtaining.

Mr. Grosvenor, of New York, rose, he said, to ask whether any answer had yet been received to the call of the House on the President for information on this subject. [Being answered in the negative, Mr. G. proceeded.] He said he would not vote to suspend the execution of any law in which the citizens had a right, without proper documentary evidence before him. Gentlemen might make statements, but on what foundation? Public rumor. After the call on the Executive for information, was this a proper ground, or the proposed a proper mode of proceeding? Before a single document was before the House, it would be a most strange thing to see this House voting to request the suspension of the execution of an act, respecting which so many persons from various parts of the country were attending in this city. He was clearly in favor of waiting till the House had some ground of proceeding. Without going into the question at large, it appeared to him, he said, it would be a most novel proceeding for this House to undertake to request of the President the suspension of a law, by which course an independent public officer would be arrested in the discharge of his official duties. If it were to be done at all, it ought to be by joint resolution.

Mr. Yancey, of North Carolina, said, he had been opposed to this resolution the other day, because he believed, as the President had advised the revision of other parts of the act besides the ninth section, that the Commissioner would not have proceeded, but would of course have stayed his proceedings till Congress had passed on the subject. The Committee of Claims, to whom the President's Message was referred, had taken the subject into serious consideration. This morning they had had the Commissioner before them, and clearly ascertained that he was going on under every section of the act, except the ninth. I take also upon myself, said Mr. Y., the responsibility of stating that some decisions have been made, respecting which the Commissioner has been interrogated, as much without authority as the cases which come under the ninth section. He, therefore, believed it was necessary that the execution of the act should be suspended until it was revised. Under other sections of the act decisions had been made, which were as groundless as any

which had been made under the ninth section. As for the authority of this House to make the request of the President, and of the President to suspend the law, Mr. Y. said, he had no que tion. The Commissioner was a mere ministerial officer, subject to the control of the Executive; he was expressly made so by the act itself, if he had not been so otherwise.

Mr. HARDIN, of Kentucky, in referring to the act for the adjustment of the claims, said, it had been familiarly called at the last session the Kentucky Horse bill; its title would, it appeared, have been more appropriate, had it been called a bill for the benefit of the District of Columbia. He doubted, he said, whether an act could be suspended without the authority of all the branches of the Government. The section in the act referring to the President's control, was designed to establish rules of evidence for the guidance of the Commissioner, and not to take away his independence or right of decision. He said he could not agree that Mr. Lee was merely a ministerial officer; he was a judicial officer, having a right to expound the law, and decide on the evidence before him. A constable, sheriff, or marshal, were ministerial officers, because they executed the process issued by the courts; but, he contended, the President had no more right to remove the Commissioner, than to remove the Supreme Court of the nation. The mode and degree of adjudication was all that the President had a right to prescribe. He wished that the resolution should lie on the table, until it should come before the House under other circumstances. The committees appointed on the subject would no doubt report in a few days. The House, he inclined to think, could not properly pass the resolve; and, if they did, what would be the effect? To the West, the sufferers by the war lived at a distance of seven or eight hundred miles, and their claims had scarcely began to arrive. Suspend this act for a month, he said, and probably three-fourths of those claims would go unmanaged, and the losers receive no compensation for their losses, unless they would employ a couple of lawyers, able lawyers as the Commissioner had notified the people, to carry through their twenty-five dollar claims. The people of the West look to their Representatives to do this business for them. By suspending the law, said he, you prevent this, to the great injury of the claimants. Mr. H. concluded by saying that he was not quite sure that Congress could even suspend the law by joint resolution.

Mr. P. P. BARBOUR, of Virginia, rose to make the suggestion to the House that they should act on the subject now, if at all. The House had been informed by the President that erroneous decisions had been made by the Commissioner under other sections of the law than the ninth; and the Commissioner, going on in the same spirit of construction, might commit error in many other cases. If the law was suspended at all, therefore, it was important it should be done now, for the reason that when the Commissioner has decided, his decision is a sufficient warrant for the money; and some individuals would receive money for claims of a character which Congress, in revising the law, might not choose to allow to others. Mr. B. was, however, clearly of opinion, that the House could not act upon the law, but in conjunction with the Senate; for a suspension is a qualified repeal of a law, and the same power only can repeal which enacts it.

Mr. TAUL, of Kentucky, agreed in the view which his colleague had taken of the proposition before the House, which was certainly one of the most extraordinary proceedings ever heard of. At the last session, the act referred to had passed by a large majority, and the Commissioner appointed had proceeded to execute it. The Executive, conceiving the Commissioner to have expounded this law erroneously, had directed a particular section to be reserved for the decision of Congress. Mr. T. conceived, that, to pass this resolution, under the circumstances, would be to pass an indirect censure on the Executive. So far, said Mr. T., as I have any knowledge of the decisions of the Commissioner, he has given rigid constructions to the law, operating with much severity on the Western people, and subjecting them to much trouble and inconvenience, which had not been anticipated. Till the House was explicitly informed that the Commissioner was giving erroneous decisions at this time, Mr. T. hoped the House would not adopt a course which would operate so hardly on claimants from the Western country. If confidence is to be refused to this officer, why is not his conduct arraigned in a proper manner? Mr. T. said he had not heard it intimated that confidence was not to be reposed in the Commissioner. The only error imputed to him, was in construing the ninth section (providing for payment for houses occupied as military depots) to include houses in which troops were at the time, or had been any short time previously, stationed. Decisions under that construction had been suspended, and Mr. T. hoped the resoluti n would not be agreed to.

Mr. ROBERTSON, of Louisiana, was also opposed to the resolution. If the Commissioner had acted correctly, it was as the law intended, and there was no motive for suspending the law; if incorrectly, the proper course would be to remove the officer. Mr. R. doubted, he said, the power of the Executive to suspend a law of the land; he could see that such a power might be exercised in a manner very dangerous to the liberties of the country, without referring to any particular case. Mr. R. doubted also the propriety of acting on this subject from the motives suggested by the gentleman from Georgia. The suspension (temporary repeal) of a law should be as deliberate as the passage of the act. Let us not pursue a course, in respect to which our powers are very doubtful. He lived in a distant part of the country, in regard to which, though many claims have been decided nearer the Seat of Government, the law is as yet a dead letter, as it is to all parts of the country at the same distance. In regard to the State of Louisiana, not a single claim had yet come before the Commissioner; and Mr. R.

was not, therefore, disposed to arrest the proceedings of the Commissioner at the moment the distant claims might be expected to present themselves. In regard to the Commissioner, Mr. R. said, his being retained in office by the President was presumptive evidence in his favor. He concluded his remarks by expressing his doubt of the propriety of suspending the operation of a law, and particularly the propriety of this House acting on it.

Mr. Johnson, of Kentucky, said, the discussion which had already taken place on this subject would save him and the House the pain of many remarks he would otherwise have made. He presumed a little more information in his possession, and known to some others, would enable the House to decide correctly on this question. I venture to say, continued Mr. J., and I believe it is not in opposition to anything suggested by any other gentleman, that since the sitting of Congress there has not been any decision of the Commissioner which any member on this floor has examined, and will say that it contravenes the statutes. I have made it my duty to make proper inquiry, and do say there has not been a decision that any member of this House or the President of the United States would not approve; that the decisions of the Commissioner have been restricted to cases without doubt, and that it is his solemn determination, not out of respect to the Legislature merely, but out of respect to himself, on account of the difficulties in which he might otherwise be involved, to suspend all cases in respect to which a doubt could be raised. He is passing only on cases in which there can be no question. Under this declaration from me, said Mr. J., and knowing that Mr. Lee has rejected, from scrupulous motives, cases which he ought to have passed, I hope the House will not agree to a measure which will arrest the decision of a numerous class of cases of horses lost for want of forage, horses killed in battle, &c. One word as to alarm in regard to the decisions of the Commissioner. Of that gentleman, Mr. J. said, he knew but little; but as much as he did know, he was a man of integrity, and beyond the reach of any imputation of corruption; and, if he had erred, as the members of this House might and did differ about the construction of a law, was it to be expected, Mr. J. asked, that under such a law there would be no diversity of sentiment? Nothing had happened in regard to the law, which I did not expect; the 9th section particularly involved questions of much difficulty, under the laws of nations, and the whole act gave a latitude of discretion to the Commissioner, respecting any exercise of which there must be different opinions—embracing cases respecting which it was as difficult to decide, as to separate the colors of the rainbow. No case of wanton destruction by the enemy had been passed upon by the Commissioner; and any gentleman who took the trouble to examine the evidence, would see that the cases were so strongly made out, that no man in this House would have decided differently from the Commissioner. In regard to the property in our sight, that had been paid for, (Carroll's building,) Mr. J. said he found, on examination of the evidence, that it had been proved by the acting Secretary of War, by citizens, and by persons who had belonged to the British army, that the building had been occupied by infantry and cavalry, above and below stairs, and that marks of the occupation, arms, harness, &c., were found through the whole premises; in consequence of which General Ross had directed it to be set on fire by rockets. In cases of this kind, Mr. J. said he would act with delicacy, and would not take a course calculated to destroy the confidence of the people in any man who had passed before the Senate, and who was passing judicially on cases highly important to individuals interested. It was expected there would be difficulty under the law, and when the House came to discriminate in legislating anew on the subject, they must do it nicely, and will do it with difficulty. In regard to the suspension of proceedings under a part of the law, the President supposed he had the power, and he had exercised it. Mr. J. took this occasion to observe that the character of the President had been mistaken and undervalued before his Administration commenced. He was a man decisive in his sentiments; and, when he saw his way, fearless of consequences, took upon himself a responsibility at which most men would stand appalled. This, at the close of his Administration, all would now acknowledge. That man, then, who never failed in his duty, had taken hold of but one section of the act. The inconveniences of the suspension of the whole law would be very great, compelling the claimants to go to expenses, &c., and the construction was now sufficiently rigid. From every mounted man whose horse was lost, the Commissioner deducted forty cents per day (allowed for the use of the horse) from the amount at which his lost horse is valued; and other cases Mr. J. had presented, which he thought within the spirit of the law, but which the Commissioner had rejected. Would the House, then, come forward and by resolution of one branch of the Legislature suspend a law, especially when he believed that the opposition to the law arose, with some allowance for honest difference of opinion as to the decisions, from the original opposition to the law? Mr. J. hoped that the Chairman of the Committee of Claims, a man of business and a discreet man, would, during the session, report a bill so to define the duties of the Commissioner as to put them in a situation beyond doubt or cavil.

Mr. Webster, of New Hampshire, said that it appeared, from the course of debate, that the objections to the resolution before the House were of a twofold character: the first relating to the necessity of interference; the second to the form which the proposed interference, if made, ought to take. It was not, perhaps, easy to ascertain whether it was the judgment of the House, that there was an error in the law or in the administration of the law, or, it may be, in both. So far as regarded error in the law, there was no remedy but to repeal or amend it. If in the execution of the law error was apparent, he concluded that

the Executive would exercise his Constitutional authority in the case. The subject was already referred to two committees in this House, and, if the House were to act further on the subject, the proper course would be to amend the resolution, so as to make it declare that it was expedient to suspend the law, &c., and thereon found a bill in regular form for that purpose. Mr. W. was wholly opposed to the interference of this House, singly and separately, on this occasion. If they acted on it at all, it ought to be by law. He did not know that, by passing the resolution as it stood, they would violate their duty, but they would act nugatorily. If the President had the power to suspend the law, the interposition of this House was not necessary; if he had not the power, this resolution would not give it to him. The other branch of the Legislature must be consulted to give efficacy to the resolution. Mr. W. then moved to amend the resolution to read:

"That it is expedient to suspend all further proceedings under the act, entitled an act to authorize the payment for property lost, captured, or destroyed by the enemy, while in the military service of the United States, and for other purposes; and that the Committee of Claims be instructed to bring in a bill for that object."

Mr. FORSYTH objected to this amendment as tending to produce delay. The subject was indeed as fully before the Committee of Claims now, as it could be by any resolution referring it to them. The object of his motion was only to suspend the act promptly, until the committee should have time to act on it.

Mr. WEBSTER rejoined, that the amendment would make the resolution imperative on the committee, who could immediately introduce a bill in conformity to it.

Mr. PITKIN, of Connecticut, said he had been originally opposed to the law in question, and had voted against it. But in the proposition now before the House, an important principle was involved, whether it was in the power of the House to suspend a law, or request the President to suspend it. Neither this House nor the President has the power to suspend the operations of a law passed by all the branches of the Government. It requires the same power to suspend as to make a law. Mr. P. said he did not know that a *joint* resolution would not operate as an act; but he denied that this House alone, the President alone, the Senate alone, or any two of them, had the power to suspend the operation of a law. He was opposed, he repeated, to the appointment of a Commissioner to decide these claims, believing they ought to be managed by the Heads of Departments, who were a little more responsible for their conduct than a Commissioner. But, said Mr. P., shall we break through the Constitution, and say *we* will suspend a law, because it would require time to go through the forms which the Constitution requires? He presumed not. If the Commissioner had acted so improperly as to require the suspension of his functions, the President has power already to suspend or remove the officer.

Mr. HULBERT, of Massachusetts, said, that he had voted in favor of this law at the last session. He regretted that he had done so, because he believed it had not been executed as it ought to have been. It had been said that the House had no information sufficiently authoritative to declare, that the Commissioner, in his decisions, had proceeded improperly. But, he said, had not the man in the highest office in the Union, charged with the supervision of the law, given the House information that, in his opinion, the law was so wrongly construed, that he thought it necessary to suspend the execution of it? If there was not conclusive evidence of error by the Commissioner, there was sufficient to satisfy the House that wrong had been done. It had been said that the President cannot suspend the execution of the law. In that, Mr. H. said, he agreed; but if gentlemen looked at the law, they would find it not of an ordinary kind. It was considered too great a power to give to any man to make these decisions, unless under the control of the Executive of the Union—the power of deciding away millions of millions of money—and the power was there subjected to such rules and regulations as shall be prescribed by the President. As the President has the power to make new rules whenever he believes the rules first established to be ineffectual, has he not of course authority to say to the Commissioner at any time: stop your decisions; I wish to make a new rule of decision, since I find those which I first established are not sufficient to keep you in a straight course? Nothing certainly could be more plain than the authority of the President to do this. It was certain that erroneous decisions had been made, and that millions of the public money might be thrown away if the proceeding was not corrected.

Mr. WRIGHT, of Maryland, referring to the President's Message on this subject, and quoting its contents, said, that he was in favor of a latitude of construction of the law, and of remuneration for losses. If every individual in the United States were paid for losses during the war, it would be a perfectly just principle, which would prevent one or two sections of the country from exclusively having their property sacrificed on the altar of the public good. The President, he said, had a Constitutional right to see that the laws were faithfully executed, and no doubt he would exercise it when necessary in other cases, as he had already done in one. The establishment of the office of Commissioner of Claims was intended to obviate the expense and vexation of examining every little case separately before this numerous tribunal. Of the correctness of the decisions which had been made, Mr. W. said he was not prepared to decide, until he heard the evidence; but sure he was that the President had the right to suspend those decisions, which he had exercised with delicacy, and had spoken of its exercise with deference to the opinions of the Commissioner. Now, instead of entering into a discussion of the true construction of the law, it would certainly be proper to await the

evidence. To arraign the law in this manner before the House, was, he said, a disrespect to the authority which enacted the law, and who did it from a sincere devotion to the best interests of the country. If the facts were as stated by the gentleman from Kentucky in regard to Carroll's building; if the military had broken into the building, as they will do in search of quarters, and thus subjected it to destruction, the decision of the Commissioner was certainly correct. God forbid, he said, that he should wantonly hurt the feelings or character of any individual appointed to so high and responsible an office; he hoped this business would not be further proceeded in, unless to explain the true meaning of Congress in the law. It appeared strange to him, that after a large majority had united in passing a liberal act, it should be proposed, the moment its fruits were felt, to suspend the law. The whole of this proceeding went to implicate the officer. Mr. W. was for leaving this business with the Executive, who he had no doubt would properly exercise his authority in the case whenever necessary.

Mr. Grosvenor, of New York, said, that he disagreed totally with his friend from Massachusetts, in the construction of the law. The gentleman had admitted, that in ordinary cases the President cannot suspend a law, but said that this law differed from other laws, in requiring the co-operation of the President in its execution. No power was given to the President, Mr. G. said, over this law more than to the Commissioner. The President was to prescribe certain rules, under which the Commissioner was to decide. The President might suspend the execution of this law, indeed, because he might refuse to perform his duties. That would not be a positive act of suspension, but a neglect on the part of the President. So might the Commissioner also act. The President, Mr. G. contended, had no more right to suspend the execution of this law than the judge, the marshal, or the sheriff to suspend the law he is bound to execute. Mr. G. here quoted the terms of the law, from which, he said, it manifestly appeared, that the duty of the Commissioner was to judge; the rules prescribed by the President were to apply to the manner (not to the act) of judging. Mr. G. said, he should vote in favor of the amendment proposed by Mr. Webster; but should then vote against the whole resolve. His reasons were, briefly, that the House was proceeding without proper information. A gentleman from North Carolina had told the House that, from the result of his inquiries, he was convinced the law had been improperly executed. The gentleman from Kentucky had told the House exactly the contrary, the Commissioner having to his knowledge rejected claims which he ought to allow. The whole proceeding at present was particularly wrong, when the nature of the case was justly viewed. There was, he said, no testimony or document before the House, except as to the ninth section of the act. A statement had been made by a gentleman that he suspected erroneous decisions had been made under other sections of the act; against that suspicion, was to be opposed the high character of the Commissioner himself, the declaration of a gentleman on this floor who had examined the evidence, and the President's Message. If on those grounds the House would (if they could) suspend this law, they might suspend any and every law. This House might, it was true, *in a desperate case*, send their Sergeant-at-Arms and bring this Commissioner in person before them, to stay his proceedings; but, he contended, that the probability was, from the testimony before the House, that the Commissioner was proceeding correctly, and that this was not a case calling for the interference of the House.

Mr. Ross was opposed to the amendment proposed by the gentleman from New Hampshire; and yet agreed with him in the proposition he had laid down that it was not in the power of the House to suspend a law for a day or an hour. He was in favor of the original proposition of Mr. Forsyth, he said, not because he thought it in the power of the House of Representatives to suspend the execution of a law, but because he apprehended the President did possess the power of suspending the law, if he pleased, and that the House of Representatives may Constitutionally request of the President to exercise his Constitutional powers. To this proceeding there could be no legal objection. Whether he will pay deference to that request, when made, Mr. R. said, was for the President to decide. The real question is, does the President possess the Constitutional power of suspending the operation of this law? The gentleman from Connecticut had acknowledged that the President had the power of suspending this law, if not in one way, in another; and that he might remove the officer, which would be a suspension of the law until a successor should be appointed. There could be no doubt, he concluded, that the President had the power of suspending it. Doubts had arisen as to the execution of the law; the President himself had suggested them to Congress, and he might go further and say to the Commissioner, you shall delay further proceedings under the law until Congress shall decide on the question I have laid before them. What did the resolution propose, further than to request the President to do this? Mr. R. was decidedly in favor of passing it without the proposed amendment.

Mr. Yancey restated the circumstance of the appearance of the Commissioner of Claims before the Committee of Claims this morning, and that an examination of some of his decisions had convinced Mr. Y. that they were not in conformity to the law. He would mention the circumstances of one, to enable the House to judge. A claim, rejected nearly unanimously by this House, had, since the passage of this law, been paid for under the 5th section of the act. The case of Mr. O'Neale was this, said Mr. Y., as it appeared before the Committee of Claims at a former session: He hired to an officer of the United States a vessel in the Chesapeake; it was stipulated that the vessel should be at the risk of the own-

ers; she was continued in service for several days, after which the officer of the United States discharged the vessel out of the service of the United States. The enemy came near where the vessel lay, some time after that, and the commander thought proper to sink her, to prevent her falling into the hands of the enemy. The loss thus incurred had been paid for under the 5th section of the bill, which provides that "where 'any property has been impressed, or taken by 'public authority, for the use or subsistence of 'the Army, during the late war, and the same 'shall have been destroyed, lost or consumed, the 'owner of such property shall be paid the value 'thereof, deducting therefrom the amount which 'has been paid, or may be claimed for the use and 'risk of the same, while in the service aforesaid." Mr. Y. asked gentlemen now, whether they were satisfied that there had been erroneous decisions under other sections of the bill than the 9th? Other vessels, he said, had been paid for under the same section. He appealed to the honorable gentleman from Kentucky, who was a member of the committee, if these decisions were not equally as erroneous as the decision as to Mr. Carroll's house or Mr. Ringgold's ropewalk? Mr. Y. said he did not regret voting for this law at the last session, he believed the provisions highly beneficial, if properly construed. If the law had been misconstrued, it was not the fault of the law, but of those who had administered it. It was not, he said, necessary to speak of the integrity of the officer; that had not been arraigned. When it was, it would be time enough for gentlemen to defend it. It was of abuses of the law, of erroneous decisions under it, that Mr. Y. spoke. He conceived that this House had authority, and that it was their bounden duty to call on the President to suspend further proceedings under the act. If the provisions of the law required to be restricted, it would be reported accordingly to the House; if they could not get rid of the Commissioner in any other way, they might decide upon the claims embraced by the law being settled at some other office.

Mr. RANDOLPH considered this as a more important question than it had appeared to have been viewed by any gentleman who had spoken—a much more important question than any of mere profit and loss to the United States, or of malfeasance in office by any officer of the United States, however high or low. He submitted to the worthy gentleman from North Carolina, whether the whole scope of his observations did not go to impugn the conduct of the officer, and not touch the law? With the law, said Mr. R., I had nothing to do; but I do know, that in cases of comparatively small importance, in Governments like ours, the most baneful precedents creep in. He had no doubt, he said, from the representation of the gentleman from North Carolina, that much wrong had been done; but it did not follow that he would accept the first remedy. The patient was unquestionably sick; but it did not follow that he should swallow the first prescription of the first man he meets—the first nostrum offered to him. No doubt much wrong had been done, which it was not competent to this House to remedy; and that wrong might be done, which it might become the duty, the prerogative of this House to remedy. The question now was, however, whether it comported with the dignity of this House to go to the President, and request of him the removal of any petty officer, for of that description he considered this officer, being appointed *pro hac vice*, strictly ministerial, and subordinate to the Executive of the United States. Mr. R. said he would never compromit himself so far in his individual character, much less as a member of this House, as to ask of the Executive the appointment or removal, to or from any office, of any individual. But a much more important principle was involved in this discussion: Shall the House of Representatives be instrumental in introducing into the American Constitution a doctrine which has deluged the English nation with blood, which has occasioned a long, violent, and bloody war—a war which finally wrested from the Stuart family this prerogative? Mr. R. said he acquitted gentlemen of any such intention; he believed their intentions were pure, but he saw at once the danger of this suspending prerogative, for which the Commons of England contended, he knew not how long, and at length wrested from their sovereigns, being attributed to our Executive authority, differing so widely in its construction from that of monarchial Government. Mr. R. could not consent to it. If, said he, the House were to request the President to suspend this act, perchance some future President will suspend our statutes without our request, and for this reason, if he be competent to suspend an act, a mere resolution of this House does neither enlarge nor diminish his powers. Under this view of the case, if the decisions of the Commissioner were to take the last dollar from the Treasury, Mr. R. said, he would rather see it drained than see it admitted that the President of the United States had the power to suspend laws in any case.

Mr. GROSVENOR rose to ask of the gentleman from North Carolina whether he obtained the facts which he had stated from the Commissioner himself? If they were as stated, the case must be one not only of incorrect but of corrupt decision. If the gentleman had stated the real circumstances of the case, Mr. G. said he should deem it sufficient ground on which to institute against this officer a proceeding of a criminal nature.

Mr. HOPKINSON, of Pennsylvania, said that nothing was more important to this House than its character and dignity; nothing was more important to the nation, and nothing would tend more to sustain this character than that it should refrain from acts which it could not consummate. Suppose the resolution to pass, the request to be made of the President, and the President to order the suspension; suppose that the officer refused to suspend the law; the officer, said Mr. H., in doing so, stands authorized by the act of the Legislature; he not only successfully, but with im-

punity resists the requests of this House and the direction of the President. The President has by the Constitution no such power as that of suspending a law; and although the gentleman from Pennsylvania had laid down the position that he had the power to suspend this law, he had not proved it. Mr. H. held it most clear that the President has not the power, on the request of this House, to suspend the execution of any law.

Mr. Hulbert said he was satisfied that the grounds of the resolution were correct. It was not proposed to suspend the law, but the execution of the provisions of the law, specially confided by the act to the Executive. He thought the House had the power to ask this of the President, and he hoped they would exercise it.

Mr. Calhoun, of South Carolina, said the defect alleged appeared not to be in the law, but in the execution of the law. If so, it was in the power of the Executive to dismiss the officer, without the interposition of this House. Mr. C. said he felt very little disposition to give his support to any proposition which should assume the idea of the power of this House to suspend a law. If the decisions of the Commissioner were such as had been represented, no amendment of the law could have any effect whatever, because the law did not even touch the case which had been stated. The evil appeared to be in the officer himself. It is in the President's power to remove that evil. In assuming power in this case, said Mr. C., we should act out of the line of our duty. If the President did not dismiss the officer, there was another remedy by the exercise of a power belonging to this House—that of impeachment.

Mr. Yancey again briefly stated the case of the decision in favor of Mr. O'Neale. He had not, he added, seen the evidence before the Commissioner, and did not know what it was—he took it to be the same, or the same in principle, as that which was formerly before the Committee of Claims in the same case, and from which Mr. Y.'s impression had been derived. Such was the case which had been favorably adjudged under the 5th section of the act.

Mr. Forsyth said, that much of the debate had arisen from the introduction into the debate of a question not before the House. Various objections had been made—one of them of a novel character, that it would be undignified in this House to request the President to suspend the execution of the law. Mr. F. said, he presumed it was always consistent with the dignity of the House to perform the duties which the Constitution and their constituents had assigned to them. The first great duty of this House was to take care of the public money, and guard it from wasteful disbursement. Mr. F. said, gentlemen seemed to imagine, that this resolution was founded on the presumption that the power exercised by the President, under this particular act, had been properly exercised. Mr. F. said, he would have left this subject wholly to the discretion of the President, if he had been satisfied that that discretion would be properly exercised. But he believed it would not. There was evidence enough before the House to show, that as the President had directed the suspension of a part of the act, he ought to have gone further, and suspended the whole. Mr. F. said, he would state in addition some cases of decision, recently made by the Commissioner, with which he was not perfectly acquainted, but sufficiently so to satisfy him of their demerit. He had been at the Treasury this morning, and examined some of the awards which had been made. In one case, said he, I find the Commissioner has awarded to a man a sum of money for corn and potatoes trampled under foot by the United States' troops; and to another person the value of fifty-two rods of rail fence destroyed; these awards being in favor of men by the name of Moore and Evans. From the abstracts of the decisions he had seen, Mr. F. said, he was satisfied such decisions were erroneous. To prevent the decision of similar cases, he wished the House to interfere. One word as to the effect of a suspension of a particular class of cases—that of lost horses from the West. Without their aid, Mr. F. said, this act would never have passed this House. Honorable gentlemen, in the warmth of their feelings for that particular section of the United States, in gratitude for the services of its brave militia and volunteers during the war, had included in the act a variety of cases which ought never to have been sanctioned by this House. The House had been told the evidence in support of these claims was here. Would the suspension of the act diminish the weight of that evidence? Would it impair the force of it, to postpone the decision and the payment of the money for a month or six weeks? Mr. F. put it to gentlemen whether that consideration was sufficient to justify an opposition to the resolution now before the House. But even under that section of the bill, he had received it from the most correct authority, the Commissioner was about to give, if he had not already given, a construction which no man in this House would justify; he was about to extend the provisions of the act to officers of the regular army. Some such cases, it was his impression, had been decided before the proper authority had an opportunity of interfering. He hoped the House would reject the amendment, and agree to the resolution.

Mr. Randolph put it to the gentleman last up, whether his whole argument did not go to the officer, and not to the law; for, at the end of the suspension of the law for six weeks, we should have that or some other officer to execute the same law. Mr. R. wished to be understood not to mean to inculpate that officer; he knew nothing of his decisions; but he wanted to know whether, in these six weeks spoken of, the officer in question would become more competent to the discharge of his duties than he is now. The whole argument of the gentleman went to the question of requesting the President to suspend or remove the officer. As to the propriety of addressing the President to request him to remove any particular officer, Mr. R. said, he would not enter into that question now. As to the de-

cisions of the officer, Mr. R. submitted whether, the conduct of the officer being under examination before a special committee, a sense of justice to the party in question did not require gentlemen to suspend their opinions in regard to the execution of the law, till they had a report from their committee. He asked gentlemen, suppose they could bring into court a case of extreme fatuity in the execution of his duties by a judge of the United States—would they request the President to suspend the law under which he was appointed? The more the gentleman from Georgia insisted on the misconduct of the officer, the more he convinced Mr. R. that he was wrong in the course he had taken. I cannot consent, said Mr. R., that whenever gentlemen come on this floor, and bring cases, however flagrant, of misconduct of public officers, that a suspension of the law under which they are appointed is to be the remedy. But one gentleman says, it is proposed to suspend not the law, but the execution of the law. Mr. R. said, he would leave it to the ingenuity of the gentleman from Massachusetts to explain the difference between two things, which were to his mind precisely of the same import.

Mr. HULBERT said a few words in explanation. His idea was, that to suspend certain proceedings under a law, was by no means to suspend the law itself.

Mr. HARRISON, of Ohio, said he wished the gentleman from Georgia to point out what part of the Constitution or laws of the United States deprived a regular military officer of the same right which appertained to all other persons in the United States. If the law in question actually did not embrace the cases of regular officers who had lost property in the same way as militia officers, he could only say, in his opinion, its provisions were extremely partial and unjust. If the provisions of the act were general as to all officers of the United States, why were not the officers of the regular army as much entitled to its benefits as other citizens? He should like to know.

Mr. FORSYTH said he had referred only to the case of regular officers, because there was a special provision, by other acts, for their case; whilst there was none such, except in the act of last session, for militia officers. With respect to the question of the gentleman from Virginia, said Mr. F., I will answer it. I would not propose to remove a judicial officer, because the President has not the power; but if an officer over whom he has power, were to act with evident incorrectness, I would ask the President to remove that officer. I do not presume to say that the decisions of the Commissioner are erroneous or corrupt: I only state what I believe them to be. It may be, that after the production of evidence and its examination, it may appear that the judgments of the Commissioner are correct. My impression is to the contrary; that the more they are examined, the more erroneous they will appear. Suppose it should be found, Mr. F. said, that the Commissioner had been and yet was making erroneous decisions; would it not be the bounden duty of this House to inform the President, that he might suspend wholly the execution of that law which he had partially suspended? Was it not their bounden duty to guard the Treasury against this individual? Gentlemen appeared not to recollect the peculiar nature of this act; every judgment the Commissioner made, however erroneous, or however corrupt, was instantly paid at the Treasury of the United States, and the money beyond the control of this House. If there had been a controlling power; if there had been an appellate jurisdiction by which the acts of this Commissioner were to be revised and examined, he should never, he said, have thought of introducing the resolution. But it was directly the contrary. He trusted the House was satisfied that something should be done. He declared, he said, that he was a little surprised at the extraordinary indisposition to exercise a power of this sort. We have no objection, said he, to take up this subject, provided somebody stands between us and responsibility; but we wait for the President's direction before we will move in the case. I wish to do more, said Mr. F.,—I wish to give information to the President that it is in the opinion of this House that he has not done sufficient. The rules prescribed for the Commissioner were found insufficient; they were evaded—the whole operation of the law has been more than once suspended to prevent further violation, and the evidence in the cases has changed its shape to suit the new regulations. Mr. F. hoped the resolve would be passed.

Mr. JOHNSON, of Kentucky, claimed the attention of the House for one moment, on a matter of fact. The Chairman of the Committee of Claims, (Mr. YANCEY,) in explanation to the House of his view of the question, did not pretend to state, that he had himself examined one individual case of the Commissioner's decisions. The honorable gentleman who introduced this resolution had said, in his appeal to the House, that of his own knowledge he could not condemn the decisions; that no case had been examined by him, which attached blame to the Commissioner, either of error or corruption. The facts then were narrowed to this; that no gentleman in favor of the resolution had any personal knowledge of them. I will only state one more fact, said Mr. J., and sit down. On my first arrival here, it was stated to me that the House in our view caught fire from the Capitol: I heard it often—I took the trouble to examine the evidence in this and another case, the only two I ever heard complained of before this day—and other gentlemen might, if they chose, have done the same, particularly members who introduce into this House solemn resolutions for suspending laws. I did look over the papers, and the fact was established by the testimony of the acting Secretary of War, and by other incontestable evidence, that the building had been occupied by a military force, and that the rockets of the enemy were, therefore, applied to it. For the honor of the House, for the reputation of the man, Mr. J. asked, would they, without examina-

tion, press forward resolutions deciding questions of the merits of which they were wholly ignorant?

Mr. FORSYTH said, the gentleman misunderstood him if he supposed he had offered and pressed this resolution without just grounds. He had, he said, to be sure, no personal knowledge of facts, but his resolution was bottomed on information received from the Heads of Department—and information received in this way was much more entitled to credit than information received from the Commissioner himself. The case of Mr. O'Neale was received from the chairman of one of the committees, who received it from the Head of the Navy Department—that case had been decided, and paid, without application to the Navy Office for evidence. He had no personal knowledge of facts, indeed, but he had enough to authorize him and the House to proceed as proposed.

Mr. HARDIN now rose to make the motion he had before contemplated, to lay this resolve on the table. He was pretty well satisfied with what had been said, and he presumed the House was satisfied, he said, of the incompetency of the officer, whom it was probable the President would see fit to remove.

Mr. GROSVENOR said, he hoped he understood the gentleman from Georgia correctly; that the resolution was founded on the suggestion of the Heads of Departments. If so, it appeared strange, indeed, he said, that the President should introduce this subject to the notice of Congress in one way, and his counsellors, indirectly, in another way.

Mr. FORSYTH explained. He hoped the gentleman would not misunderstand him purposely. He did not say that he had introduced the motion at the suggestion of any Head of a Department. It was on information from them; the suggestion was his own.

Mr. GROSVENOR thanked the gentleman for his information. The President had come forward and given the House his views of this subject. His Constitutional advisers, instead of giving him information, come in this way and lay information before the House! [Mr. FORSYTH said, that the information he had received, was sought by him.] The gentleman, Mr. G. said, had come forward to the House with rumors of misconduct in a public officer; which rumors, it appeared, originated with Executive officers—with the very authority to which it was now proposed to go for the purpose of correcting the alleged evil. This information comes from the advisers of the President of the United States, and yet it is impossible to presume they had laid it before the President, or he would not have confined his communications to the House to those which he had made. It was therefore proposed to this House to jog the President, because the Heads of Departments had not chosen to do it. As it appeared that the President, his counsellors at least, had already full information on this subject, it was surely unnecessary for the House to pass this resolve.

The SPEAKER having requested gentlemen to confine their remarks to the question before the House—that of laying the subject on the table—The debate ceased.

The question on laying the resolve on the table was decided in the affirmative as follows: For laying it on the table 68, against it 64.

MONDAY, December 16.

Mr. YANCEY, from the Committee of Claims, to whom was referred the report of the Secretary of State on the memorial of William Haslett, made a report thereon, which was read: When Mr. YANCEY, reported a bill for the relief of William Haslett, which was read twice and committed to a Committee of the Whole.

Mr. REYNOLDS, from the committee to whom was referred the letter, from the acting Secretary of War, transmitting the report of the commissioners appointed to survey and mark a road, from Tennessee, through the Chickasaw nation, reported a bill, making an appropriation for opening and cutting out a road therein described, which was read twice, and committed to a Committee of the Whole.

The bill for the relief of Luther Bingham, passed through the Committee of the Whole, and was ordered *nem. con.* to be engrossed for a third reading.

The bill respecting a modification of the tonnage duty, reported the other day, by the Committee of Ways and Means, passed through the Committee of the Whole, without debate, and was ordered, *nem. con.* to be engrossed for a third reading.

Mr. SMITH, of Maryland, made a motion to instruct the Committee of Ways and Means to inquire into the expediency of repealing the act laying a duty on notes of banks, bankers, and certain companies, &c. Mr. S. briefly expressed his reasons to be, the injustice of the operation of this duty to enterprising men of business, from which capitalists and those best able to bear it were wholly exempt. The motion was agreed to.

INTERNAL IMPROVEMENT.

Mr. CALHOUN, of South Carolina, referring to a proposition of the same sort made at the last session, but then opposed by him as being unseasonably introduced, said that, since that time, the bank law had passed, the subscription had been filled under auspicious circumstances, and the bank was about to go into operation. Now he said, was a proper moment for the House to consider whether the course of internal improvement was a proper direction for the United States to give to their share of the profits of that institution. He therefore moved,

"That a committee be appointed to inquire into the expediency of setting apart the bonus, and the net annual proceeds of the National Bank, as a permanent fund for internal improvement."

Mr. C. said, it was not his object at this period to discuss the importance of national improvement. It was sufficient to say, that it was of such importance as to have been annually recommended to the attention of Congress by the Executive.

That it had not been heretofore acted on, was not to be attributed, Mr. C. said, to any impression derogating from the importance of the subject. It arose from the want of funds; from the embarrassed state of our finances, and from the critical state of our foreign relations, which demanded all our attention. We had now abundance of revenue, and were in a state of peace, giving leisure to Congress to examine subjects connected with domestic affairs—of all which, internal improvement was not exceeded in importance by any. He hoped, therefore, the resolution would pass, and the inquiry be made as proposed.

The motion was agreed to, *nem. con.*, and Messrs. CALHOUN, SHEFFEY, CREIGHTON, GROSVENOR, and INGHAM, were appointed the committee.

TUESDAY, December 17.

Another member, to wit: from New York, VICTORY BIRDSEYE, appeared and took his seat.

A new member also appeared, to wit: from Virginia, JOHN TYLER, in the room of John Clopton, deceased, who produced his credentials, was qualified, and took his seat.

Engrossed bills, of the following titles, to wit:

An act for the relief of Luther Bingham.

An act supplementary to an act to regulate the duties on imposts and tonnage, were severally read the third time, and passed.

Mr. HERBERT, from the Committee on the District of Columbia, reported a bill to incorporate the Columbian Insurance Company of Alexandria; which was twice read, and committed.

Some discussion took place on a motion made by Mr. HARDIN, of Kentucky, to clothe the Committee of Claims with power to call for persons and papers, with a view to obtaining from William O'Neale two papers, stated by Mr. HARDIN to be essential to a just view of the merits of his claim against the United States for a vessel destroyed; which papers were the property of the House, but accidentally delivered to him by the clerk with his own papers, which he had leave to withdraw from the files of the House. It was suggested, after some conversation, rather than debate, that this object could be accomplished without difficulty, on a mere request from the Clerk to Mr. O'Neale; and, in the end, Mr. HARDIN's motion was rejected.

PENSIONS.

Mr. JOHNSON, of Kentucky, from the Committee on Military Affairs, reported the following bill:

A Bill concerning the invalids of the Revolutionary war, and the widows and children of the militia, and the soldiers of the army during the late war.

Be it enacted, &c., That all laws and regulations authorizing the officers and soldiers of the regular army, and the officers and soldiers of the militia, who served during the late war, to be placed on the pension roll, shall, and they are hereby declared to, relate equally to the officers and soldiers of the Revolutionary war; and the officers and soldiers of the militia who served in the Indian war previous to the Treaty of Greenville.

SEC. 2. *And be it further enacted*, That if any officer or soldier of the militia, of the rangers, the seafencibles, the twelve and fifteen months volunteers, shall have died within three months after returning home from the service of the United States, by reason of wounds received, or diseases contracted, while in the service of the United States, and shall have left a widow, or, if no widow, a child or children under sixteen years of age, such widow or, if no widow, such child or children shall be entitled to, and receive half the monthly pay to which such officer or soldier was entitled at the time of his leaving the service aforesaid, for and during the term of five years. But, in case of death or intermarriage of such widow, before the expiration of the said term of five years, the half pay for the remainder of the time shall go to the child or children of such deceased officer or soldier: *Provided, also*, That this provision shall extend to the widows and children of the officers of the regular army.

SEC. 3. *And be it further enacted*, That, if any soldier of the regular army, during the late war, shall have died while in the service of the United States, or upon his return home, by wounds received in that service, or by any other means; or if any such soldier shall have died within three months after his return home, by wounds received or diseases contracted, while in the service of the United States, and shall have left a widow, she shall be entitled to and receive half the monthly pay to which the deceased was entitled at the time of his death, or at his discharge, for and during the term of five years; but, in the case of the death or intermarriage of such widow before the expiration of the term aforesaid, the half pay for the remainder of the five years shall cease and determine, and, in the cases embraced by this act, the five years shall commence from the death of the officer or soldier aforesaid.

The bill was twice read, and committed.

COMMISSIONER OF CLAIMS.

Mr. YANCEY, of North Carolina, from the Committee of Claims, to whom was referred the Message of the President, recommending a revision of the act for the settlement of claims, for property lost and destroyed in military service during the war, handed in a report, stating the circumstances of three decisions, which, in the opinion of the committee, the Commissioner had incorrectly made under the law, and recommending to the House the adoption of the following bill:

A Bill to amend the act "to authorize the payment for property lost, captured, or destroyed, by the enemy, while in the military service of the United States, and for other purposes, passed the 9th day of April, 1816."

Be it enacted, &c., That the ninth, tenth, eleventh, twelfth, thirteenth, and fourteenth, sections of the act "To authorize the payment for property lost, captured, or destroyed, by the enemy, while in the military service of the United States, and for other purposes, passed the 9th day of April, 1816," be and the same is hereby repealed.

SEC. 2. *And be it further enacted*, That all claims, the payment for which is authorized and allowed, by the said act, shall hereafter be heard and decided by

the Additional Accountant of the War Department, under such rules and regulations as have heretofore been established for the settlement of accounts in the said Department, and such other rules as the President of the United States may hereafter prescribe.

SEC. 3. *And be it further enacted*, That the loss or destruction of the property, mentioned in the aforesaid act, as well as the value thereof, shall be ascertained by the best evidence which the nature of the case will admit of, and which shall be in the power of the party to produce, and the amount thereof, when so ascertained, and the decision thereon approved by the Secretary of War, shall be paid to the sufferer or sufferers, out of any money in the Treasury not otherwise appropriated.

The report and bill were read, and referred to a Committee of the Whole.

The report is as follows:

To enable the committee to decide on the necessity of an alteration in any of the provisions of the act, it was necessary, first, to understand the construction which it had received from the Commissioner appointed to carry it into effect. For this purpose, the chairman of the committee, under their instructions, addressed a letter to Richard Bland Lee, Esq., requesting his attendance before them, to give them such information upon the subject of their inquiry as his experience under the act could afford. Mr. Lee accordingly attended, and, from a conversation with him generally upon the provisions of the act, the committee were decidedly of opinion that he had given, and was still disposed to give, to the law, an extension of construction not contemplated by Congress at the time of its passage, and not warranted by its object. Among the adjudications made by the Commissioner, there are several which have been examined by the committee, and in their opinion not authorized by the law. The first case to which their attention was called was the case of Daniel Carroll of Duddington, who, together with others, owned a house in the City of Washington, called Tomlinson's Hotel. A part of this house was occupied by two families on the evening of the 23d of August, 1814, at which time the remainder of the house, being unoccupied, was taken possession of by a troop of cavalry, and some militia from Virginia, on their way to join that part of the army commanded by General Winder, and then in the vicinity of the city. Some of the militia continued in possession of that part of the house, unoccupied by any family, until 11 or 12 o'clock on the 24th. On that evening the British army, commanded by General Ross, entered the city; and it is proved by some men who say they then belonged to the British army, that, in consequence of its appearing to the officers that troops had occupied the house, it was burnt. No other person who lived in the house or about it has proved the cause of its destruction. It is believed that, under a rigid and proper construction of the law, this claim ought not to have been allowed. The ninth section of the act authorizes payment for a house or building destroyed by the enemy *while* the same was occupied as a *military deposite*, under the authority of an officer or agent of the United States, if it shall appear that *such occupation* was the *cause* of its destruction. A mere temporary occupation of the house for one night and a part of the next day, by one or two companies of militia, cannot impart to the house even the character of barracks, much less that of a military deposite. It is not for the committee to decide upon this occasion upon the merits of Mr. Carroll's claim, or of what would have been its fate upon an application to Congress; but they are fully persuaded that a sound construction of the act would not authorize its payment. The amount of the claim is $27,093 50; the most objectionable part of which is a charge for rent of the house from the 24th August, 1814, to the 24th August, 1816, at $3,200.

The second was the case of Tench Ringgold & Co. Mr. Ringgold, W. and C. Smith, and Philip B. Key, owned an extensive ropewalk, with a house on the same lot, and not far distant from the walk, in the City of Washington. It appears, from evidence filed with the Commissioner, that the owners of the ropewalk had been in the habit of manufacturing cordage for the Navy of the United States, upon contracts made with the Secretary of the Navy. In the year 1811, a cable belonging to the United States, then lying in the navy yard, had one of its strands accidentally cut by a carpenter; it was taken to the ropewalk to have it cut, and a new one put to each end. One end of the cable was afterwards, in the latter part of the year 1811, removed to the navy yard, and the other continued in or about the walks. On the 25th August, a British officer and a party of men went to the ropewalk, broke open one of the doors, and the officer ordered one of the men to set fire to some yarns which were stretched in the walks, and which the master workman states were to have been manufactured into cables for the Government. The person who had care of the ropewalks remonstrated against the conduct of the officer, and assured him that it was the property of a private citizen; to which he replied that he did not wish individuals to suffer, but that he should destroy all houses and property which were engaged in public work, and that he knew or believed the yarns in the ropewalks were intended for public use, and that the walks at that time were employed in public work. At the same time he ordered the house not far distant to be fired, but, upon examination, finding that it was occupied by the master workman of the walks, and not occupied as a storehouse, it was not fired at that time; while the walk, however, was burning, the house caught fire and was destroyed. The value of the ropewalk, and the property that was in it, and the house, amounting to $17,612 39, has been awarded to the owners, upon the ground that the ropewalk and house constituted a *military deposite*—an adjudication, in the opinion of the committee, most erroneous and improper.

Another decision which has been made by the Commissioner, the committee are of opinion is much more erroneous and improper than either of the two which have been mentioned: it is the case of William O'Neale and Robert Taylor. The evidence before the Commissioner, and which he has submitted to the committee, was the certificate of Solomon Frazier, stating that he was a lieutenant in the flotilla service under the command of Commodore Barney, and that, pursuant to the commander's orders to him, he ordered the schooner Islet, belonging to O'Neale and Taylor, to be sunk in the Patuxent, to prevent her falling into the possession of the enemy, on the 22d August, 1814—she then having on board property of the United States. The owners of this vessel are allowed $4,000, that being the valuation, according to affidavits filed with the Commissioner. According to the adjudication, this claim was allowed, under the third section of the act which authorizes payment for property *only* in those cases where the injury has been produced by capture, destruction, or loss, *by the enemy*.

The case of O'Neale and Taylor was before the Committee of Claims the last session of Congress, and by them reported to the House of Representatives. That report, together with the evidence upon which it was made—except the official statement of Commodore Barney, which, according to the letter of the Secretary of the Navy of the 16th of December, 1816, is now in the possession of William O'Neale—is annexed to this report.

Considering the extended construction which has been given to the law, and the erroneous decisions made under it, the committee are of opinion that the act should be so amended as to repeal a part of its provisions, and transfer the settlement of claims under it to the War Department. They are the more induced to recommend this course, because the cases provided for will there be determined according to uniform principles observed in the settlement of claims under the control and responsibility of the Head of that Department, and will pass through the several offices in the usual way of transacting business, and subject to the usual checks known to be so salutary in the settlement of accounts. They therefore report a bill to that effect.

AMENDMENT TO THE CONSTITUTION.

The House resolved itself into a Committee of the Whole on the state of the Union, Mr. SMITH, of Maryland, in the Chair.

The proposition made by Mr. PICKENS to recommend to the States an amendment to the Constitution, to establish an uniformity of the mode of election (by districts) in all the States, of Representatives to Congress and Electors of President and Vice President, was read.

Mr. PICKENS, of North Carolina, rose to support his proposition. In no other case can it be more important, he said, that the law should be fixed and uniform, than in the exercise of the right of suffrage. This is the only link between the people and their Government. To preserve this connexion, this right should not only be exercised in fact, but in such manner as to insure it confidence and respect. For this purpose, it would seem essential that the mode of election should be fair in relation to different parts; that it should be free from sudden changes; that it should be as direct a communication of the public will as conveniently might be, and in a manner the most pure.

If our system of Government is worthy of a fair trial, it must be an urgent duty on us to apply its fundamental powers so as to perform properly their several functions. The public will being the centre of motion, its influence must be properly imparted to the surrounding bodies, or the experiment will be unfair, and the system may become deranged; with this view, the present amendment to the Constitution has been offered.

Mr. P. said the proposition now before the Committee was so plain in itself, and had been so often brought into view in the different States, as well as before this body on several occasions, that he would only present a few leading ideas which induced him to hope for its adoption.

The resolution proposed to engraft no new principle into the Constitution; but to prescribe a mode of exercising one of the clearest and most valued rights which we hold under that instrument—a mode as old as the Government itself. At first, when intrigue and State struggling had not polluted our elections, it was the most general mode practised by most of the States, and is still continued by some of them. The objection, therefore, which is urged by some, that "the features of our Government should not be altered," will not apply to the proposed amendment, inasmuch as it embraces no new feature, and fixes upon a uniform rule, rendering it unalterable by the varying views of the States and the changes of factions and times. The reason of the objection is one of the strongest arguments in favor of establishing a fixed rule for the exercise of our suffrages, which shall become venerable from long and unaltered usage, and on principles which will be equal and fair to all parties, to all parts of the country, and at all times.

Another objection I have heard to one branch of this amendment is, that Congress already possesses the power of regulating the elections of representatives. It is a sufficient answer to say that Congress never has yet ventured to touch the subject, so extremely delicate is it viewed. Indeed, Congress should never be allowed to touch it, unless to make such regulations as should be perpetual. The consequence of allowing this body to be changing the mode of exercising this fundamental right, would be viewed by some of the States with great jealousy, particularly where it might be construed as done with the view of gaining some unfair political advantage; and it might often happen that the jealousy would be too well founded. To avoid, therefore, all causes for future heart-burnings, in times when intrigue and faction shall prevail, would it not be prudent, at this season of serenity, when there is no particular contest in view, to establish, unalterably, such regulations as will be just and fair, and least liable to abuse?

Steadiness and uniformity in the mode of election of either the Representatives or the Electors, is only attainable by a Constitutional provision. While this is left to the varying views of Congress, and the still more various and varying councils of the several States, such changes will be made by the prevailing parties, for the time being, as may answer their particular views. Our own experience is ample to prove this. We have seen sometimes a general vote prescribed—districts of various sizes electing from one to three or four Representatives or Electors, and Legislatures have taken upon themselves the appointment of Electors. Thus have the people been kept in a state of fluctuation and uncertainty, about the most important right they possess, after enjoying it very equivocally and indirectly, if enjoyed at all. There have been exhibited between States and the parties in States, almost every four years, what might be called a political farce, but for the importance of the actors, and the weight of the results. The prevailing party in a State have generally been the advocates of State rights, and for giving a united suffrage, regardless of the sentiments of divisions, being a minority of

the whole State. The minority in a State have contended for allowing to every section its proper and distinct weight, tending to divide the weight of suffrage. And this is the general character of the majority and minority, no matter of what political complexion.

We have seen the great State of Pennsylvania, though she generally acts with much regularity, at the point of losing her entire suffrage in the choice of Electors; the choice was then in the Legislature, and the two branches differing in political views, they were unable to agree on a ballot, until an actual compromise was effected, in which each side held out for the best terms it could procure. In this act the public voice was unheard.

About four years ago a similar case happened in Massachusetts, in which a compromise was agreed to, after many vain attempts to effect the choice, the two branches being opposed to each other.

About the same time, in New Jersey, a general vote of the people being the established mode for choosing Electors, and no change in the number of Electors, or other ostensible reason for an alteration existing, the Legislature convened a few days previous to the time of election; and finding a majority of that body of a different political complexion from what they supposed the majority of the qualified voters in the State to be, the election law was instantly repealed, and the right of appointing Electors was assumed by the Legislature, giving the Electoral College their own political image.

Mr. P. said he meant no reflection on these respectable States; the fault is in the system, or rather the want of system. These are a few only of the ridiculous and disgusting occurrences which ever have, and ever will attend this unsettled course; tending to degrade our representative Government in the eyes of the world, and to lower it in our own estimation.

We boast of our Government as an exception in the wisdom of its organization, as well as in the freedom of its institutions, and that it is not formed for the present day only, but for posterity. How can we reconcile this promising picture with the fact before us, that we cannot exercise one of the plainest acts under the Constitution, and one essential to its existence—the choice of a Chief Magistrate—without these struggles and intrigues among the members of the Confederacy, and between their component parts? No uniformity, no stability—maxims which we call fundamental, being often disregarded in practice, by which the people, the boasted fountain of power, have sometimes not even the semblance of suffrage, and often nothing but the semblance. The Electors, chosen by a Legislature, elected for a very different purpose, or by a general ticket, formed by a legislative or other caucus.

Would it not conduce more to the dignity and stability of the Government, to have its principal offices filled by a fair uniform procedure, which long habit would render venerable? Nothing tends more to give respect to any institution than long unaltered custom. This renders a bad Government more tolerable, and is the foundation of half the laws of every country in the world, our own not excepted. When to this regularity of method is added the qualities of being fair, pure, and congenial to our free professions, we can at least promise ourselves a fair trial of the theory of our Government.

These qualities all attend the mode proposed, in an eminent degree, with others which add to its worth. In elections by the people, in single districts, the candidates will be well known to the voters; they can best judge by their own knowledge who may be entitled to their confidence. The choice flows most directly from the people, who need no dictation from a caucus. The voter is not hampered by a general ticket of many names, some of whom he may not know, and others he may not like. The operation being confined to narrow limits, and the result being small, the public excitement cannot be great. The exercise of suffrage, originating with the people, it must be inaccessible to corruption. It is a maxim universally admitted, that the body of the people is honest, and free from intrigue. It would, indeed, be inconsistent to suppose that the people should feel an interest in injuring themselves; that they should be corruptible, would be absurd. Otherwise, in the case of a legislative choice, or caucus nomination. With all these properties, it has that of being perfectly convenient.

In every State there will be a diversity of sentiment, and often of interest. In this mode, each will have a fair hearing, where it amounts in importance to the majority of a district. In a general vote, any portion of sentiment less than a full majority of a State, will not be represented distinctly. The States of Georgia, Connecticut, New Hampshire, and Vermont, all of which have chosen Representatives by general vote, in each of these there may be a diversity of opinion and of interest; this appears obvious from the majority being so equivocal in some of them, as to make entire changes in their delegation. It is presumable, that by the district plan there might be districts, having decided majorities differing from the prevailing sentiment of the State. And why should not these be heard in their due proportion? Difference of opinion is no crime. It arises mostly from difference of interest and of associations. If there be a district in Connecticut, having a majority of what is called Republican opinions; or a district in Georgia, of opposite sentiment, I should like, in either case, to see such districts represented here. Though there might be no great difference in the general momentum on either side, by this change, it would afford most happy consequences. Disappointment, in any measure, is then reconciled by the reflection that there was a fair trial. Kindred sympathies would be happily blended between distant climates, and geographical divisions avoided. The contrary is the consequence, in any larger mode of division, and especially in a general vote of States. Disappointment is then sharpened by

considering that a fair trial was not had, that the sentiments of the minor divisions of the States were not heard. Antipathies would naturally become sectional between whole States and regions, being united in opposition to each other, respectively.

Of all species of division, none is so truly to be deprecated as that of a geographical character. And that the mode of general vote tends that way is clear, and that in filling the Electoral Colleges, as well as this House. For, the very appearance of this united opposition in colleges within whole States and regions, to other sections, equally united, and this frequently occurring, will naturally lead to the same kind of local feeling. And as certainly, too, in a federative system, where each State is left free to regulate its weight in the balance, does it tend toward the mode of entire suffrage; and our experience proves it. The evil, then, is a national one, and a growing one. Its only cure is by a Constitutional provision.

It is said that, by adopting this amendment in the case of Electors, the federative principle in that particular will be decreased. What is that federative principle? It consists mostly in the two extra Electors being allowed to the States without respect to their relative sizes; this was a concession to the small States. And this is still retained by the amendment, as there is no alteration in the distribution or number of Electors. The right of the States, indeed, to regulate the mode of appointment being of a federative character, may be an object with some. But when the State is so united in sentiment as to present an undivided front, it may still do so, and the object is still retained. When this is not the case, the loss in any State will depend on the relative losses sustained by other States in the same way, and the fraction of loss in any case is not worth the expense of the many evils resulting from the present unsettled course.

Mr. P. said he had long been impressed with the necessity of this amendment, and had for several successive sessions presented it; the favorable period, he hoped, had now arrived; it may be many years before we experience so much internal harmony. He had sincerely wished that his views had impressed some other member to have offered this proposition, whose influence and arguments could have given it force. He still hoped its own merits were such as to give it a favorable determination.

Mr. ROOT, of New York, said that changes in the constitutions of Governments ought never to be made on slight motives. Some great evil to be avoided, or some great good to be attained, ought to be the only motive to change. Attempts to change a constitution, even if unsuccessful, produced very pernicious effects; they are calculated to strip, in a degree, the Constitution of that reverence and respect to which it ought to be entitled, and which the rising generation ought to be taught to entertain for it. For these reasons, Mr. R. said, he never would consent to a change for slight causes.

The first proposition contained in the resolution before the House was not, he said, to his mind, calculated to change the principles of the Constitution, since it proposed nothing more than a modification of the manner in which a Constitutional provision should be executed. That the people should elect their Representatives, in such a manner as to speak the voice of the nation most distinctly, was what the Constitution intended. To so organize the House of Representatives that they may truly speak the national will, is to lay out the State into districts for electing Representatives; or the minority of the people may elect the majority of the Representatives. Mr. R. was therefore in favor of this part of the resolution.

But the other proposition, said he, as now presented to us, contemplates an invasion of one of the great fundamental principles of our Constitution. It was not so, as the honorable gentleman from North Carolina seemed to suppose, that the great States had yielded to the smaller ones (at the formation of the Constitution) two Senators each. It was the small States that yielded a full representation to the large States, in the popular branch, according to their numbers. Before the adoption of the Constitution each State, large or small, had an equal voice in Congress, as an independent State, confederated with others, on equal terms and with equal rights. But, the large States having to pay a share of the taxes in proportion to their numbers, the smaller States had conceded to the larger ones, that they should have a representation in one branch of the Legislature in proportion to their numbers. One branch of the Legislature, therefore, was representative, the other federative. The Executive branch of the Government was a compound of both—the people and the State sovereignties combining their powers to elect a President of the United States. Hence a small State, containing sixty thousand souls, was entitled to four Electors, while one of double the population had perhaps not five votes, because the Electors are chosen on a principle which is a compound of the popular and federative principles, one of which this proposition proposes to invade. Those Electors to be appointed to represent the people, Mr. R. said, he had no objection should be chosen by the people, and in the same districts as are laid out for the election of Representatives; but the other two in each State, who were to represent the State sovereignties, ought to continue to be chosen as the Legislature might direct. To establish a different mode, would be to invade the rights of the States; and it would, besides, be found extremely inconvenient, in practice, to adopt the rule proposed. New York, for instance, with twenty-seven districts for Representatives, would find it extremely inconvenient to lay out twenty-nine for Electors; and the change would, in other respects, be burdensome. But the inconvenience of the rule in practice was not an objection, by any means, of equal force with that growing out of its invasion of the principles of our Government, which was to him an insuperable obstacle to that part of the resolution.

Mr. HAMMOND, of New York, said that the res-

olution under consideration embraced two objects. The first part of it was intended to render the mode of electing the members of this House uniform throughout the United States; the other part was intended to produce a uniformity in the mode of choosing Electors of the President and Vice President of the United States. He was in favor of both parts of the resolution. He would, he said, however, premise that he had no objection to the modification of the resolution in the manner proposed by his colleague, (Mr. Root,) who had just resumed his seat.

With respect to the first part of the resolution, Mr. H. said, the States, immediately after the adoption of the Constitution, by their practice under it might be said to have expressed an opinion favorable to the proposed amendment. Most, if not all the States, immediately after the adoption of the Constitution, had been divided into districts, for the purpose of electing members in the House of Representatives of the United States, in the manner contemplated by the proposed amendment. The same system would probably have been continued to the present time, had it not been for the struggle between the two great parties which had for several years past divided this nation.

Mr. H. said that he could not perceive that any serious inconvenience could arise from engrafting this part of the resolution into the Constitution, while at least one important advantage would result from it.

If the Electors residing within a territory comprehending only thirty-five thousand inhabitants, vote for one man only within that territory, their means of personally knowing the political principles, talents, and morals of the candidate, would be far better than they could be where the members of Congress are chosen by general ticket, in a State containing a population equal to New Jersey or New Hampshire.

Mr. H. said, that, in his view, the principal value of the elective franchise consisted in this: that the Elector having in his eye several of his fellow-citizens, with whose moral characters and mental endowments he was well acquainted, would by his vote declare which of them he thought most worthy to be intrusted with his rights. As, therefore, by adopting the proposed amendment, the value of the elective franchise would be increased, and no serious evil would, in the opinion of Mr. H., result from it, he said he was decidedly in favor of that part of the resolution.

But, said Mr. H., I consider that part of the resolution which proposes so to alter the Constitution as to render the mode of choosing Electors for President and Vice President uniform throughout the United States, far the most important.

The practice in many of the States under the Constitution is, that the Electors for President are chosen by the members of the State Legislatures. This practice is, I think, inconsistent with the genius of our Government. The American Government is essentially a popular one. All power is declared to be derived from the people. The voice of the people, constitutionally pronounced at the poll of an election, is the only sovereign and independent exercise of authority acknowedged in this nation.

And, sir, the further you remove an officer from a direct dependence for political existence on the voice of the people thus expressed, in that proportion you diminish the power and privileges of the citizen. If this doctrine be correct, it is then totally inconsistent with the general principles of our Government, that the elected should choose Electors. This machinery is unnecessary in ascertaining the will of the majority of the people on the great question, "who shall be their Chief Magistrate." It is inconsistent with that republican simplicity which ought to characterize the government of a free people. It is, sir, a machinery which, in the hands of bad men, may be used to thwart that very public will which, by an election, is supposed to be declared. The mode of choosing Electors by the people, by general ticket, as it was called, Mr. H. said was equally objectionable. Almost all the arguments which had been, or could be urged against choosing members of Congress by general ticket, applied with equal, if not stronger force, against choosing Presidential Electors in the same manner. In those States where Electors were chosen by general ticket, he believed it was universally the case that they were nominated by the members of the State Legislature. Sir, said Mr. H., according to the present laws of party, a nomination amounts to a choice.

But, said Mr. H., I contend that it is not right that the Legislatures of the respective States should have the power of determining the mode of choosing Electors for the President. The danger of a combination of great States to the prejudice of small ones, furnishes to my mind a strong objection to allowing to the respective State Legislatures the power of determining the mode of choosing Electors. One hundred and eleven votes will elect your President. The States of Massachusetts, New York, Pennsylvania, and Virginia, give one hundred and one votes These four States therefore, connected with a comparatively small State, can elect a President. Thus a mere bald majority of one in the State Legislatures of five States can impose a President on the fourteen States, even if the inhabitants of the remaining fourteen States were to a man opposed to him. It it unnecessary to pursue this part of the subject further, because it must appear evident that, if the Constitution is not altered, the minority can and possibly, nay probably, will govern the majority. It may be objected against the proposed amendment, that if adopted it will diminish the influence of the great States. Be it so. I am willing, sir, that the influence of the great States in their corporate capacity in the election of a President should be diminished.

While I say this, I do not forget that I come from a great State. But, sir, when this question comes to be fairly submitted to the people of the State of New York, I have the fullest confidence that their patriotism will induce them to make a

sacrifice of any advantage they may derive as a State under the present provisions in the Constitution, for the purpose of placing the union, independence, and liberties of the United States on a firmer basis. Sir, the question of who shall be elected President, is not a State, but a National question. The President is an officer who exists for the benefit of the people of the United States, and not for any one State or any part of the States. He ought not, therefore, to be created by the States, but by the people. The personal merit and political principles of the candidate are the only proper objects to which the attention of the Electors ought to be directed. A great State, therefore, cannot claim, because she is great, that she should furnish a Chief Magistrate for the nation. But so long as the Legislatures of the respective States choose or direct the mode of choosing the Electors, so long State claims, as they are called, will enter more or less into consideration in the selection of a President. But, sir, alter your Constitution, cause the Presidential Electors to come directly from the people, and they will bring with them the public sentiment, unbiassed and unadulterated. We shall then hear no more of State claims. The great mass of the people will pay homage to talent and political virtue—and whether the man who challenges their preference for these qualities is found on the heights of the Green Mountains, at the northern extremity of the Union, or on the banks of the Mississippi, to them it will be indifferent. Mr. H. said he had another objection against the choice of Electors being made by order of the State Legislatures. It was the danger arising from the influence of the Executive of the United States on the State Legislatures exerted for the purpose of continuing himself in office or of selecting his successor. In the few remarks I wish to offer to the Committee on this subject, said Mr. H., I protest against the inference that I intend any allusion to transactions in relation to any past Presidential election. It is not so. I mean to state what in my opinion will be the conduct of the Executive, taking man as he is. Sir, the person who will fill the Executive Chair will have his preferences. He will have views of his own in relation to the great question respecting the first office in the nation. He has a right to them—and his opinions are entitled to the same respect as those of any other individual possessed of equal experience and judgment. But he has no right to make use of the official patronage given him by the Constitution for other purposes, to aid him in carrying those views into effect. But, possessing an inclination like all other men, to carry into effect his own wishes, are we not to presume that he will call to his aid in accomplishing his views some of the patronage of which he finds himself possessed? He must be more than man not to do so. If then it be desirable that the free unbiassed judgment of a majority of the people of this nation, pronounced at the election, should determine the momentous question, Who shall be the First Magistrate? everything which tends to give one citizen an undue influence over the opinions of other citizens, ought to be guarded against—ought to be resisted. And sir, can it for a moment be doubted but that the State Legislatures present bodies of men on whom the Executive influence can be brought to bear with more effect than on the whole mass of the American people? I think not.

A practice, said Mr. H., has been resorted to, and will probably be resorted to again; a practice which, on this occasion, I beg leave to mention, without either censure or approbation, of designating the Presidential candidate in a Congressional caucus. Putting for a moment out of view Executive patronage, surely no one will deny but that the political friends of the Executive, after a residence for some time in his immediate neighborhood, will, at such meetings, be greatly influenced by the known wishes and views of the Executive. And, sir, when you add to the influence which political partialities and court blandishments will necessarily have on the minds of the best of men, that influence which is produced by the power to dispose of all offices of honor and profit, it is not to be presumed that a majority of the political friends of the Executive will ever be found who will designate a candidate in opposition to his wishes. The moment the designation is made, the minority in such caucuses will, from a respect to the great political party to which they are attached, and from at least an implied honorary engagement, be disposed to give their support to the Executive favorite. Thus the personal influence of the members of both Houses of Congress is brought to bear, in conjunction with Executive influence, on the State Legislatures.

Can Electors chosen by the State Legislatures under such circumstances be presumed to pronounce the wishes of the majority of the people? No sir, they will be a species of machinery got up to respond the will of the Executive, and not men who announce to the nation the voice of the people. It will be, as an honorable gentleman from Virginia, (Mr. RANDOLPH,) in some animadversions which he made during the last session on this mode of choosing Electors, said, with an energy and strength of language peculiar to himself "the shadow of a shade" of an election.

Sir, the power of the States to choose, or direct the manner of choosing Electors for the President, is a rotten, a gangrenous part of our Constitution, which if not removed will infect and poison the body politic. I hope it will be extirpated.

If this in fact be a Government founded on the opinions of a majority of the people, if in truth the people are not their own worst enemies, let your Electors be created immediately by, and come directly from, the people. When you do that, and not till then, you will be certain that your President holds his office by the consent and at the request of a majority of the people over whom he presides.

Mr. JEWETT, of Vermont, proposed a division of the question, so as to take the sense separately on the two parts of the resolution; as some gentlemen would be inclined to vote for one who would not vote for the other.

Mr. Ross, of Pennsylvania, said, that for his own part he had not given this subject that attention which it merited, and was not prepared to vote on it at this moment. The views which had been presented by gentlemen who had spoken were impressive, and had excited his reflection. Still he was not convinced, until he had further opportunity for consideration, that the mode proposed by the resolve was the best possible that could be adopted. Mr. R. said he was not satisfied, if an amendment in regard to the mode of choosing Electors was necessary, that one greatly preferable to that now before the House might not be adopted. When the Constitution had been originally framed, it had been supposed, he said, that the members of the Electoral Colleges would get together, and consult as to the best person upon whom to bestow their votes; but the practice under the Constitution had shown this expectation to be idle, and that the election did not in fact turn upon the principle on which the Convention had intended to fix it. On the contrary, the Presidential candidates were fixed and announced before the election of Electors. Mr. R. thought the mode of election ought to be changed, but doubted whether the mode proposed would be the best. Might not the election, he asked, be better trusted at once to the people? Why the intervention of Electors? Surely the whole body of the people would be less subject to bribery or corruption than any smaller body. It did appear to his mind, as at present impressed, that to the people, and to them only, could the election be safely confided; and that all the present machinery, for electing a President, which sometimes is wielded by mere legerdemain, corruption, or unfair influence, be put out of the way. This power would be no longer dangerous when confined to the people themselves. As to the mode of electing Representatives, Mr. R. did not see any great objection to it; but to attain the gentleman's object completely, the choice should be restricted to the district by which an individual is chosen. The feature, however, might be added by an amendment to the resolution. Not having, he said, made up his mind on this subject, and presuming that a number of the Committee were in the same situation, and considering the great importance of the subject on which they were about to act, he moved that the Committee rise and report progress.

Mr. Calhoun, in acceding to this motion, took the opportunity to observe that he considered this a question of great importance. He thought the proposed amendment to the Constitution, if adopted, would remove some evils which experience has shown to exist, and which in future time, if uncorrected, may menace the existence of the Republic. He therefore thought this subject entitled to the most mature consideration.

The Committee rose, reported progress, and obtained leave to sit again.

Wednesday, December 18.

Mr. Pickering presented a petition of the representatives of the yearly meeting of the religious Society of Friends, held in Baltimore, praying that other and stronger provisions may be enacted to prevent the traffic in negro slaves from one State to another, within the United States, in which traffic they allege that many persons of color, free, or entitled to freedom at a given time, are carried into perpetual slavery.—Referred to the committee appointed on that part of the President's Message which relates to the African slave trade.

Mr. Lowndes, of South Carolina, from the Committee of Ways and Means, reported a bill for the relief of Henry Malcolm; and a bill to discharge from his imprisonment John Ricaud, late a paymaster in the army; which were severally twice read, and committed.

Mr. Caldwell, of Ohio, submitted for consideration the following resolution:

Resolved, That a committee be appointed to inquire into the expediency of authorizing the President to appoint Commissioners to locate and mark out the road from the Ohio river, opposite to Wheeling, in the State of Virginia, through the State of Ohio, with leave to report by bill or otherwise.

The resolution having been amended on motion of Mr. Taylor, of New York, so as to refer the subject to the standing Committee on Roads and Canals, was agreed to.

COMPENSATION LAW.

Mr. Johnson, of Kentucky, from the committee appointed on the subject, submitted a report relative to the compensation of the members of Congress, embracing an elaborate and ample view of the subject, accompanied by a bill to repeal the present compensation law, and in lieu thereof to provide a daily allowance of —— dollars, and —— dollars for every twenty miles travelling to and from the Seat of Government.

The report is as follows:

The committee to whom was referred the consideration of the expediency of repealing or modifying the law passed at the last session, relative to the compensation of members of Congress, ask leave to report.

The power, vested in Congress by the Constitution, of providing for the pay of its own members, is, doubtless, a delicate trust; and it might have been apprehended, as well from the nature of the subject, as from former experience, that the most judicious exercise of that trust would not be exempt from some degree of public animadversion. The committee, however, cannot perceive, either in the increase of compensation provided by the late act, or in the mode of making that compensation, cause of excitement or alarm, adequate to the effects which are understood to have been produced. The addition which this law has made to the public expenditure is not considerable; and if it had been created by other measures of Government, would not, probably, of itself, have been thought worthy of great attention. And the change in the mode of compensation, even if it be not attended with real and manifest advantage, does not still appear to be wrong, so clearly, and in such dangerous measure, as to furnish grounds for any high degree of public inquietude. The committee, therefore, cannot but be of opinion, that the law in question has not been considered without some mixture of misapprehension of its principles

and objects, and that a more accurate knowledge of its provisions, and more mature reflection on its design and tendency, if they should not end in a conviction of its usefulness, would yet result in a different and far more moderate estimate of its probable evils. It would not become the committee to claim any infallibility for the body of which they are members, nor to take it for granted, that every law which it may pass, must, necessarily, be a wise and wholesome act of legislation. Human errors and imperfections find their way into all bodies. And there is, doubtless, existing in the judgment of the community, a power under whose revision this and other acts of Government must and ought to pass. If, however, on a review of this subject, the House should still be of opinion, that the law in question, or some equivalent provision, has become essentially necessary for the useful exercise of the powers of Government, and for the safety, security, and honor of the people themselves, its members may still hope, that in not hastily departing from it, they will be justified by the enlightened sense and generous sentiments of the nation. The abandonment of a measure, which, accordingly to their most conscientious conviction, is intimately connected with the general good, would be no means of obtaining favor with the American people.

If, in passing the law in question, the House of Representatives discharged any portion of its duty, it acted upon general and public principles, with an entire disregard to the convenience of its own members, any further than their convenience was supposed to be connected with the public service. It treated the question, not as one between them and the public, but as exclusively of public and national concern. It regarded it as a subject of general policy, by which the nation, and the nation only, was to be affected; as much so as any other act of legislation whatever. Any imputation, so gross as to impeach its conduct in this essential particular, a feeling of self-respect must compel the House to pass over in silence, and its members must rely on their known character, as members of the Government, and as citizens of the community, to disprove it. The House would not presume to judge whether its services, in the various and important matters upon which it has acted, have deserved any consideration or respect from the public; but for those services, such as they are, it has not sought, nor would accept, any reward which could be measured out to it in a mere pecuniary compensation. And while the members of the House would certainly not think of claiming any merit for passing the law in question, any more than for the discharge of what they thought their duty in any other case, the committee do not see that they have any cause for taking humiliation upon themselves, on account of having passed an act which they believed would be essentially useful to the country, but which they must have foreseen would be exposed, itself, and might expose its authors, to misapprehension and misrepresentation of all sorts. Holding offices in the immediate gift of the people, of short duration, and at a time when the people were soon to exercise, in most districts, their accustomed privilege of a new election, if these offices had been objects of their regard, and if they had permitted personal considerations to influence their conduct, it is obvious that all such considerations pointed to a course different from that which they pursued. They must have known, that no measure could be more easily misconstrued and perverted to the purposes of obloquy and reproach. The committee cannot yet believe that a faithful discharge of duty, in the face of these probable consequences, is to be reckoned among dangerous political errors.

At the commencement of this Government, it was of course among its first measures to fix, by law, agreeably to the requisition of the Constitution, the pay of members of Congress. In the old Congress under the Confederation, the members were paid, not out of the national Treasury, but, by the States which they represented. The rates of compensation were different in different States; some States paid to their delegates eight dollars a day; others six; others less; and one State at least paid them by annual provision six hundred pounds sterling. It was natural to recur to these precedents, when the subject was taken up by the first Congress, under this Constitution. Taking as a just and obvious standard, by which to regulate the amount of compensation, the average of the rates which had been paid, by the different States, to their Delegates in the old Congress, it was found that such average amounted to somewhat more than six dollars a day. The compensation was accordingly fixed at six dollars a day, by the law of 1789.

As it was foreseen, that the depreciation of money, or the increased expense of living, might render this provision adequate, the law was limited in its duration, in order that it might be considered and altered, if necessary, at a future period. The subject was again brought before Congress, in 1795, by the expiration of the former law. On this occasion, as the committee have learned, and indeed as some of them remember, there was much diversity of opinion in the House of Representatives; some members wished, then, to change the mode from a daily sum to an annual allowance; others preferred to retain the existing mode, but to increase the sum; and a committee of the House reported in favor of increasing the daily pay to eight dollars, assigning for reason, a proportionate increase in the price of all commodities, and the expense of living, since the passage of the act. Those who opposed this augmentation, admitted it would be reasonable, if the price of commodities and the expense of living should keep up; but they hoped the rise would be temporary, and that money would soon resume, in relation to the expense of living, its former value. The proposition to increase the pay was lost by one or two votes only, and a law passed establishing the former rate.

The state of things existing in the Government and in the country, from 1796 to the close of the late war, furnish obvious reasons to account for the circumstance that, during that period, no attempt was made to raise the pay of members of Congress. In the mean time, the Seat of Government had been transferred to the City of Washington, and the expense of living, instead of returning to its former rate, as was expected by some, has gone on increasing progressively, until money, in relation the means of life, does not retain more than half its former value. In other words, if six dollars a day was no more than a reasonable provision, in the cities of Philadelphia and New York, eight-and-twenty years ago, twelve dollars would not be more than a reasonable and equal provision in the City of Washington, at the present time. Forty years ago, as has been stated above, some of the States paid their Delegates in Congress, eight dollars a day; and yet it never was supposed, during the Revolution, or afterwards, that the people of the United States had made unreasonable or exorbitant provision for their public agents. But, unless

the early history of the country was marked by great extravagance in this particular, the rate of six dollars a day, fixed by the law of the first Congress, was no more than a moderate and necessary allowance at that time, because it was no more than the average of what all the States had found it necessary to pay to their respective delegates during the Revolution.

The only question then, is, whether there has been in truth such a change in the country, in the value of money and the expense of living, as to render that provision which was no more than sufficient in 1789, insufficient in 1816. It is a truth, plain to all whose experience or information enables them to judge, that so great has been the change in the foregoing particulars, which eight and twenty years have produced, that it is not incorrect to estimate the expenditures necessarily attached to a seat in Congress at twice their former amount. This change has not been confined to the condition of members of Congress. It has extended all over the country, and as well the National Government as every State government has been obliged to provide for it in a proportionate increase in the salaries of their public officers.

The Statute Book of this Government exhibits a constant and progressive increase of compensation in all the Departments of the Government, with the exception of the Legislature and the Supreme Judiciary. On the recommendation of the Executive, or its branches, the Legislature has repeatedly augmented the provisions for that Department, patiently raising the pay of the clerks and of writers far above that of its own members, without agitating either itself or the country with any question about its own compensation. From the Heads of the Departments to the lowest clerkships in the public offices, a general augmentation has obtained throughout. A long enumeration of instances is not necessary. One may suffice. When members of Congress were first paid six dollars a day, the salary of the Attorney General was one thousand five hundred dollars a year. This salary has since been increased to three thousand dollars; and the Executive has, at the present session, found it necessary to recommend a still further increase, as essential to the public service. If the duties of that officer have increased, so have the duties of members of Congress in at least an equal proportion; and which of the two stations requires the greatest sacrifice of private pursuits may be easily discerned.

At the time of passing the late act, it was found upon inquiry that from the organization of the Government to the commencement of the thirteenth Congress, (1813,) Congress had, on an average of all the years, been in session one hundred and fifty-nine days in a year. For eight years, ending with the thirteenth Congress, (1813,) it had been in session, on an average, one hundred and sixty-five days in each year. An easy computation will show that, supposing Congress to sit hereafter as many days within the year as it has usually done heretofore, the present amount of compensation, including travel and attendance, will exceed the amount received for travel and attendance under the former law, thirty-eight per centum. After the lapse of eight-and-twenty years, then, Congress has, for the first time, increased the pay of its members. It has increased it about one-third, and no more; although, within the same period, it has been called upon to raise, and has raised, the compensation of nearly all other officers of Government in a far greater proportion.

This enhancement of other compensations is not adverted to for the purpose of showing that Congress has been as favorable to others as to itself, or that it has made itself the latest object of its own bounty. In neither case has it supposed itself to be bestowing bounty or conferring favor. It has sought only to make such provisions as the public interest demanded. But the circumstance is referred to as furnishing evidence of the necessity of the late law, by showing that a similar necessity had been found to exist in other cases; and that by that law, Congress had done nothing for its own members which Executive recommendation, and its own opinion of propriety, with the general concurrence of public sentiment, had not compelled it to do at an earlier period, and in ample measure, for other officers of Government.

The State Legislatures, from the same necessity of complying with the change of circumstances, have made corresponding changes in the salaries of the officers of their governments; and it may not be inapplicable to recent occurrences to remark, that the members of these Legislatures have, in almost every State, increased, in many doubled, in some trebled, their own pay, during the period in which the compensation to members of Congress has remained at its original rate. As far, also, as the committee can learn, this increase of pay to members of State Legislatures has, in every instance, taken place in the same session in which it was voted.

Objections have been made to the manner of compensation introduced by the law of the last session. It has been said to have created salaries. If by this it is intended that the law allows to every member a defined and certain sum, without any deduction for absence or omission of duty, it is not a correct representation. Such deductions are provided for by the law, as completely as under the former mode. It has already been observed, that a difference of opinion has long existed on this point, and it still exists. When the law of 1796 was passed, there were those who thought it advisable to change the mode then in practice, and to adopt the example of an annual allowance, which had been formerly set by a very respectable State. There have been and still are those who are not without fear that an augmentation of the daily pay, if it should not in fact tend in some cases to the protraction of the session, might produce an evil of equal magnitude, by subjecting the Legislature to such an imputation.

Nor is it at all true, that the inconvenience of attending a session of Congress is always in proportion to its length. The season of the year in which the session is holden may be as material as its duration. The length of the journey to the Seat of Government is the same in both cases; and both cases require an entire breaking off of all private engagements, and an exclusive devotion to public business. It may be added, also, that while the compensation was computed by the day, as the sessions would naturally be longest in times of war, the greatest expense would fall on the Treasury, when it could bear it with the least convenience. Thinking, however, that the measure of augmenting the compensation was itself a necessary one, and that the form, if not the best, was a fair subject of experiment, the House did not forbear to adopt it, from difference of opinion in regard to the manner. It passed the law in its present form, in the hope that good would result from the change of mode, and with the knowledge that if such should not be the consequence, the former mode could be easily, and at any time, again adopted.

There now remain other topics connected with this subject, which the committee would submit to the consideration of the House.

Of all the powers with which the people have invested the Government, that of legislation is undoubtedly the chief. In addition to its own important, ordinary duties, the Legislature is the only power which can create other powers. Departments, with all their duties and offices—with all their emoluments—can emanate from the Legislature alone. Over the most numerous branch of the Legislature, therefore, the people have retained the power of frequent elections; and with this branch alone they have trusted the original exercise of the right of taxation. The members of the House of Representatives are the special delegates and agents of the people in this high trust. They, and they alone, proceed immediately from the suffrage of the people. They, and they alone, can touch the main-spring of the public prosperity. They are elected to be the guardians of the public rights and liberties. Can the people, then, have any greater or clearer interest, than that the seats of these their Representatives should be honorable and independent stations, in order that they may have the power of filling them with able and independent men? Is it according to the principles of our Government, that the legislative office should sink in character and importance below any office, even the highest, in the gift of the Executive? Or, can anything be more unpropitious to the success of a free, representative Government, than that the Representatives of the people should estimate anything higher than their own seats, or should find inducements to look to any other favor than the favor of their constituents?

It would be a most unnatural state of things, in a Republic, if the people should place greater reliance anywhere else than in their own immediate Representatives; or if, on the other hand, Representatives should revolve round any other centre than the interests of their constituents. Through their Representatives, the direct influence and control of the people can alone be felt. In them the rays of their power are collected; and there can be no better criterion by which to judge of the real influence of the people in the Government, than by the degree of respectability and importance attached to the representative character. Evil indeed to the public will that time be, should it ever arrive, when Representatives in Congress, instead of being agents of the people to exercise an influence in government, should become instruments of government to influence the people.

It is probably the necessary tendency of Government, that patronage and influence should accumulate wherever the Executive power is deposited; and this accumulation may be expected to increase with the progress of the Government, and the increasing wealth of the nation. To guard as far as possible against the effect of this on the Legislature, the Constitution has prohibited members of Congress from holding, while members, any office under Executive appointment; but it has not restrained them from resigning their seats to accept such appointments, nor from accepting them after their term of service has expired; nor has it prohibited the grant of such offices to their relations, connexions, or dependents. There are hundreds of offices in the gift of the Executive, which, as far as pecuniary emolument is concerned, are preferable to seats in Congress; indeed there are none, except of the very lowest class, which in that respect are not preferable.

Is it for the interest of the people that their Representatives should be placed in this condition? Is it expedient that better service should be commanded for any other department than for the hall of legislation? Or, admitting that offices of high trust and responsibility in the State, such as will be commonly regarded less from motives of pecuniary emolument, than from the love of honorable distinction and devotion to the public service, should possess more attractions than the legislative office, is it still fit or expedient that subordinate places in Government, such as have no recommendation but the salaries and perquisites belonging to them, should have the same influence?

And yet, not only is it well known that persons, at every election, decline being candidates for the Legislature, but the Government has not been without instances in which members of either House have relinquished their seats in the Congress of the United States to accept offices of a very low grade. Can the public interest require the establishment of a habit of filling such places by candidates taken from the legislative body? Or what is the value to the people of the right of representation, if they have nothing to give which their Representatives will not relinquish for even the smallest appointments of the Executive power? It cannot but tend more, one would think, to the permanent safety of the Republic, that no such hopes or motives should exist; that there should be no inducements of this nature, either to an unfaithful and compliant discharge of official duty, or to a more indirect but not less pernicious exercise of the influence of a public character and a public station.

The geographical extent of the United States furnishes a case out of all analogy with anything which has heretofore existed either in any State government, or the Government of any other country. There are members of Congress who reside more than a thousand miles from the Seat of Government—a great proportion live at more than half that distance. If these members are accompanied by their families to a session of Congress, even the present compensation, with the strictest economy, does not defray their expenses. To live within the means provided for them, they must come as exiles from their own homes; they must abandon not only all private pursuits, but the enjoyment of all domestic relations, and live like strangers and temporary lodgers in the Metropolis of their own country. How far it is wise in Government to demand of those who enter its service this sacrifice of all social feelings, those who have the deepest knowledge of our nature are most competent to judge. It is a sacrifice which will not, ordinarily, and for any length of time, be made, by such as have the dearest and strongest ties to their country, and the greatest possible stake in its prosperity.

One further observation is obvious. If an adequate provision be not made for members of Congress, the office will fall, exclusively, into the hands of one or the other of two descriptions of persons; either of the most affluent of the country only, who can bear the charges of it without any compensation; or of those who would accept it, not for the compensation legally belonging to it, but from the hope of turning it to account by other means. A reasonable allowance, neither extravagant on the one hand, nor parsimonious on the other, would seem to be the best security against these various evils. Influenced by these considerations, Congress was, at the last session, of opinion that the compensation to members had become inadequate. The committee are still of the same opinion. In many cases it was not equal to the expense incurred by individuals in their attendance on the Legisla-

ture; and in all cases it must be presumed that the labor and intelligence bestowed on the discharge of his official duties, by an able and faithful member of Congress, could not but yield a much more profitable result if employed in private pursuits.

If the view which the committee have taken of this subject, be not altogether an erroneous one; if great changes, in relation to the value of money, and the price of living, have taken place in the country; if it has been found necessary to provide for this change by an increase of the compensation of other officers throughout the General and State Governments; and more than all, if it be desirable to maintain the Constitutional importance of the legislative office; to open to the people a wide field for the selection of Representatives; to put at their command the best talents in their respective districts; and to enable them to retain the services of those whose knowledge and experience have best fitted them to promote their interests and maintain their rights; then the object of the law in question was not only a useful, but a highly important and commendable object.

In regard to the mode of accomplishing that object, it has not been and is not easy to reconcile opinions. On the whole, the committee are of opinion that, under all the circumstances, it is advisable to provide that the increase of pay should be made in the form of an addition to the former daily allowance. They, therefore, recommend, that in lieu of all other compensations, there be paid to members of Congress and Delegates of Territories, —— dollars per day for their actual attendance, and —— dollars for every twenty miles travel to and from the Seat of Government. And they report a bill for that purpose.

A Bill allowing compensation to the members of the Senate, members of the House of Representatives of the United States, and to Delegates of Territories, and repealing all other laws on that subject, contrary thereto.

Be it enacted, &c., That during the remaining part of the present session of Congress, to be calculated from the time of passing this act, and at every future session of Congress, and at every meeting of the Senate, in the recess of Congress, each Senator shall be entitled to receive, in lieu of all other compensation heretofore allowed by law, —— dollars, for every day he shall attend the Senate; and shall also be allowed, at the commencement and end of every such session and meeting —— dollars, for every twenty miles of the estimated distance, by the most usual road, from his place of residence to the seat of Congress; and in case any member of the Senate shall be detained by sickness, on his journey to or from any session or meeting, or after his arrival shall be unable to attend the Senate, he shall be entitled to the same daily allowance; and the President of the Senate, *pro tempore*, when the office of the Vice President of the United States, is or shall be vacant, shall, during the period of his services, be entitled to receive, in addition to his compensation as a member of the Senate, —— dollars, for every day he shall attend the Senate. *Provided*, That no Senator shall be allowed a sum exceeding the rate of —— dollars a day, from the end of one such session or meeting, to the time of his taking a seat in another.

SEC. 2. *And be it further enacted*, That during the remaining part of the present session of Congress, to be calculated from the time of passing this act, and at every future session of Congress, each Representative, and each Delegate from the respective Territories, shall be entitled, in lieu of all other compensation heretofore allowed by law, —— dollars, for every day they shall attend the House of Representatives; and shall be allowed, at the commencement and end of each session, —— dollars, for every twenty miles of the estimated distance, by the most usual road, from his place of residence to the seat of Congress; and in case any Representative or Delegate shall be detained by sickness, on his journey to and from the session, or after his arrival shall be unable to attend the House of Representatives, he shall be entitled to the daily allowance aforesaid; and the Speaker of the House of Representatives shall be entitled to receive, in addition to his compensation as a Representative, —— dollars, for every day he shall attend the House: *Provided always*, That no Representative or Delegate shall be allowed a sum exceeding the rate of —— dollars a day, from the end of one session, to the time of his taking a seat in another. That the said compensation to the members of the Senate shall be certified by the President, and that which shall be due to the members of the House of Representatives, and to the Delegates, shall be certified by the Speaker; and the same shall be passed as public accounts, and paid out of the public Treasury. And that all acts, or parts of acts, contrary to the provisions of this act, be and the same are hereby repealed.

The report and bill having been read—

Mr. JOHNSON, of Kentucky, moved that the bill be made the order of the day for the second Monday in January. His reason for moving so distant a day was, to give time to many members to arrive, who had not yet reached here, and to avoid having the subject discussed during the holidays, when the House was usually thin from the absence allowed to members.

Mr. H. NELSON, of Virginia, objected to so distant a day, and moved that the bill be made the order for to-morrow.

A short debate arose on the propriety of selecting an early or distant day.

Mr. NELSON'S motion was advocated by himself and Mr. BARBOUR, on the ground that the subject had been so much agitated and so fully discussed, that it was already well understood, and further time for its consideration was unnecessary; that the measure was carried through rapidly at the last session, and as it required no more time to repeal a law than to make it, further delay was useless.

The motion, made by Mr. NELSON, was opposed by Messrs. GROSVENOR, CALHOUN, ROBERTSON, and PICKERING, who were in favor of a more distant day, because, between this time and January the House would be less full; and that, viewing the subject as one of uncommon importance, one which was perhaps connected with the future liberties of the country, a proper time for deliberation was necessary; that, as the House had been accused of acting rashly in passing the existing law, they might be as properly reproached with cowardice by a hasty and precipitate retraction, &c.

Mr. HULBERT said he earnestly hoped that the motion of his honorable friend (for assigning a distant day for consideration) would prevail. He lamented the precipitation with which the ques-

tion respecting this law had been brought forward. Scarcely, said he, had the doors of Congress been thrown open, at the commencement of the session, when motions were made, in both Houses, for the repeal of the act. Why this extraordinary haste? Was there no other business worthy of the attention of Congress? Whence this impatience to undo that which we have so lately done? A few months ago, said he, after long discussion, and mature deliberation, we passed this law. Does it comport with the dignity of the House, is it consistent with a proper degree of self respect, thus to hasten its repeal? He dreaded the imputation of acting under the influence of fear, or of a love of popularity, and he was sure the manner in which they were proceeding could not fail to bring upon them that odious charge. He had flattered himself that this subject would be left to the disposal of the next Congress. We, said he, have declared our opinions, and have given our votes accordingly. If those who shall come after us, who have been elected since the passage of this law, should be of a different opinion, they can reverse what we have done. But why should we be the censurers of our own conduct? Why thus pass sentence of condemnation upon ourselves? Admitting that this business is not to be referred to the next Congress, but is to be settled by ourselves, why should we be called upon instantly to act upon the long, the very able, and important report, which is before us? It is said that the voice of the people demands an immediate attention to the subject. He denied the fact. He said the voice of the people had not been heard. It was the clamor of newspapers; it was the voice of party spirit, of faction, and misrepresentation, which had been heard. The deliberate opinion of the people he would always highly respect. But the clamors of faction he would despise.

Mr. H. said he had freely given his vote for the law in question. He thought it a correct, just, and necessary measure. He had again, and again reviewed the subject; and he was certainly satisfied with what he had done. Until he could change his opinion, he would never change his vote. His constituents, he said, might impute to him want of wisdom; but they should never justly charge him with abandonment of his principles, with cowardly and poltroon conduct.

Mr. GASTON conceiving that the honor of the House required that they should on the one hand avoid unnecessary delay, and on the other an unbecoming precipitancy, moved that the bill be made the order for the first Monday of January.

The question being first taken on Mr. JOHNSON's motion for the second Monday, was carried by a large majority.

THE EPERVIER.

Mr. TAYLOR, of New York, offered for consideration the following resolution:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of providing by law for the settlement of the accounts of the officers and crew of the United States' brig Epervier, supposed to have been lost at sea.

Mr. TAYLOR remarked, on this motion, that all must recollect with what anxiety the arrival of this vessel had been expected and hoped for, on her return with despatches from the Mediterranean. From the lapse of time since that period, the last ray of hope glimmering in the bosoms of the friends of the officers and crew of that vessel had become extinct, and the persons on board had been now long given up for lost. Among them there was a young man of the name of Melancthon W. Bostwick, who was Purser on board the vessel. On the breaking out of the late war, said Mr. T., he felt a disposition to signalize himself in the service of his country. He entered the naval service a volunteer, and was placed on board the frigate Essex. In the various instances in which that frigate distinguished herself, Bostwick bore a distinguished part. Without the aid of friends or patronage, by his good conduct on every occasion, he soon attracted the attention of the very distinguished commander of that vessel. After the capture of the Essex, he was, on his return home, recommended and appointed a Purser in the United States' service. There was committed to his charge money for recruiting for the Epervier, and he was distinguished by the accuracy and attention with which he discharged the duties of his appointment. His papers, his money, and all his accounts, Mr. T. said, were at the bottom of the ocean. It was due to the feelings of his friends and connexions, that their regret at his loss should not be increased by his being placed on the books of the Department as a defaulter, on account of the disaster which destroyed at the same time his life and his accounts. It was not necessary, Mr. T. added, to say anything on the subject of extra allowance to the heirs of those who had thus perished, as that subject would present itself to the Naval Committee. But, at any rate, it was fit that some provision should be made for the adjustment of the accounts of the deceased, which could not be settled at the Navy Department, without the interference of the Legislature.

The resolve was agreed to.

AMENDMENT TO THE CONSTITUTION.

On motion of Mr. PICKENS, of North Carolina, the House again resolved itself into a Committee of the Whole on the state of the Union, to take into consideration his proposition to amend the Constitution of the United States.

Mr. RANDOLPH, of Virginia, addressed the Chair. He commenced his observations by referring to the ample scope of the remarks made yesterday by the worthy gentleman who introduced this proposition, and remarking on the advantage of the House resolving itself into a Committee of the Whole, as affording a greater latitude to debate.

There was, he said, on this question, important as on all hands it was allowed to be, a degree of apathy and nonchalance, which would strike any one ignorant of the character of the American people, and of the nature of our institutions, with great surprise. Fortunately, he said, we are not

a people prone to change; and there was not any gentleman, however respectable his character, however specious his proposition on the face of it, could catch attention in any of our legislative bodies, unless there was a decided conviction of the expediency of adopting his views. To this proposition Mr. R. said he was opposed *in toto*, and would deliver his principal reasons as succinctly as he could.

It was not necessary, he said, to remind the House, that from the commencement of the Federal Government the people of the United States had been divided into two great hostile parties. Although individuals had changed, the presumption was that the parties remained pretty much the same at the present day—although deserters came and went from the one to the other, as suited their interests or their views of political advancement, the principles of the parties were not much changed. One of the great leading causes of the division of the American people was the greater or less regard they were disposed to show to the powers of the States. It had been often said before on this floor, but perhaps it might not be amiss again to state it, that the difference between the two great parties consisted, on the one hand, of a devotion to the General, in opposition to the State Governments, and in the distribution of the powers of the Government, of a leaning, a bias, an attachment to the Executive branch of the Government—to that branch more remote from, and apparently independent of, the people than this House. I, said Mr. R., was brought up in the school, and have never yet been expelled from it, which upheld the rights of the States in opposition to the rights of this masked monarchy—for such our Government is; of the rights of the popular branch of the Government, in opposition to the other branches of the Government, in all cases (be it remarked) of doubtful construction.

Mr. R. said, then, he was opposed to this resolution for the simple reason that it contemplated an abridgment of the powers of the States—that was enough for him. He was not one of those, he said, who made new and great discoveries in politics, such as that the powers of the States were too great and ought to be diminished. If there were no other objection to this proposition, it would be sufficient for him that it went to abridge the powers of the States. It was in vain for honorable gentlemen to tell him that, in the case referred to in this resolution, the States did not exercise their existing powers as they ought. With that, under favor and under correction of the Chair, this House had nothing to do. It is no business of ours, said he, how the States exercise their powers. It is an affair of their own, possibly between the State Legislatures and their constituents, but not between them and us. I have, said Mr. R., an indisposition to change in Government—*nolo leges mutare;* would to God I could once see a Legislature here or in the States which would leave things as they found them, and adjourn. This pruriency of legislation will, in my humble opinion, sooner or later prove the bane and work the destruction of the Confederacy. When I say, continued Mr. R., that I am against the proposition of the gentleman, I hope that neither he nor any other gentleman will suppose I am friendly to the manner in which their Constitutional power has been exercised by the State of which I am a member and Representative in regard to the election of Electors. I am not. I know that at this moment it is a mockery of election. I feel aggrieved in my own person as one of the freeholders of that Commonwealth, that envied Commonwealth; but for that grievance I will never come to this House for redress; I had much rather see the grievance doubled, than that this House should dare to think itself competent to interfere between the Legislature and the people of Virginia. He knew, he said, that the election of Electors in that State was a mockery—a shadow of a shade. What of that? It was competent to the Legislature to rectify it; whether by adopting the proposition of the gentleman from North Carolina, or by taking the power into their own hands, or in any other way, it was for them, and them alone, to decide.

Mr. R. was against this proposition on another ground. Because it went to abridge not merely the rights of the States, but because it did go to change the terms of the compromise upon which these States had come into the Confederation; to diminish very much the power of the large States, without, in the same ratio, diminishing that of the smaller States. This Constitution might be, as the gentleman had told the House, a popular Government; but, said Mr. R., I deny the fact. It is not, it never was, a popular Government. Considered in that light, it is one of the most unjust, oppressive, and iniquitous Governments on the earth. He hoped, he said, he was understood—that no gentleman would understand him to bring these charges against the Government; but it was so, grant gentlemen *their* premises. Looking at the features of the Government, compromise, he said, was stamped in every lineament; we can solve the difficulties of the Government in no other way than by regarding it as a Government of compromise; and in that view it was a good Government, for the term compromise supposes that the interests of every part are attended to, more or less, and that no particular portion of the community has been sacrificed to the rest. If this were a popular Government, why not introduce a resolution to this effect: that for every Representative on this floor an Elector should be chosen by the people? Why have we two additional Electors in each State? Because of the compromise at the commencement of the Government between the large and small States. What was the reason of all that was said in the Constitution about three-fifths of all other persons, &c., to avoid staining the statute book (he wished to God our consciences were not stained) with the name of slave? What was that provision inserted for? That this House, too, should be elected on the principle of compromise; and this compromise,

Mr. R. said he wished it to be understood, he did not mean to give up in this House or out of it. In the Senate the principle of compromise was conspicuous. As a sort of middle term between the two, each State was entitled to as many Electors as it has Senators and Representatives, to be chosen in such manner as each State shall direct. We must view this Constitution as a compromise among the confederated States; which, Mr. R. said, was the only principle on which a sound and practical statesman could find himself justified in acting in regard to it. Whenever that compromise was touched, if the balance was not nicely adjusted, if the centre of gravity was removed, no matter how little, it would be impossible for any member of this House to divine the consequences. Were the great States, he asked, willing to give up their Constitutional rights and power in the election of Electors, and that without any equivalent? Mr. R. said he came boldly to meet the question. No man had a right to expect that the great State of New York would give up the influence which she possessed in virtue of her population—which she rightfully possessed—for any consideration like those which had been urged. The State of New York was entitled to twenty-nine Electors; it might happen that the whole weight of the State of New York in the election of a President might be, if this proposition became a part of the Constitution, the casting vote of one Elector. Nay, the greatest State in the Union might have an equal number of Electors of the two political parties, and its influence be thus completely neutralized; the equation fairly worked, because, forsooth, it was better that the Electors should be chosen by the people than by the Legislature. That would be perfectly right, because the House had been told this was a popular Government, and the minority ought to have their due weight! They are already allowed it, Mr. R. said, in the Government itself, but not in the relations of that Government with foreign or with the confederated governments.

This proposition, Mr. R. said, appeared to him to strike at the very root of the Constitution of the United States. To that Constitution many of the ablest and best men in the country had been strongly opposed, on the ground that the powers of the States would be too feeble to cope with the powers of the General Government. The administration of the Government commenced on a different ground; but that party who had been the strongest advocates of the rights of the States prevailed; they got the Government, and, after they possessed themselves of it, they found that the doctrines which they supported when out of power, were not quite so convenient in the exercise of power, as they had been as the means of securing power. Whenever any case occurred involving the rights of the States, Mr. R. said they were laid over—obliged to rest for their defence on those who had been the enemies of the States. The sheep having been deserted by their dogs, it were easy to foretell their fate. Yes, he said, the rights of the States had been principally maintained, for many years, in this House, by the Representatives of that part of the country which had been in the highest degree inimical to the States; while their old friends had gone very snugly and comfortably to sleep on the benches of preferment.

As long as he had a seat on this floor, Mr. R. said, he should feel it his duty to oppose any proposition which would in any degree tend, first, to diminish the actual existing powers of the States; and, secondly, any proposition which went in any degree to change the actual existing compromise of weight and influence in this Government, between the greater and smaller States. The truth was, if the large States had a proposition to make, affecting their weight in the Government, so as to make it less in proportion to their wealth and population, it became the duty of the small States to inquire what they could give the large ones as an equivalent. In all public matters, where previous proportions have been settled, upon which the government of a country is to be carried on, any proposition going to change the fundamental state of the parties, is, and ought to be, met by a corresponding proposition of so much, by way of equivalent. Some gentlemen, said Mr. R., may think this language strange. But how was this Constitution formed? Search the records of the Convention. I will not worry your patience by a detail of its proceedings, but every feature of the Constitution shows that it was the result of compromise. We are very well as it is—as the Italian proverb has it, better above than under ground. It is not worth while to administer medicine to make that better, which I think is at present sufficiently well.

Mr. WRIGHT, of Maryland said, he was constrained to differ with his honorable friend, (Mr. RANDOLPH,) but he hoped to remove his principal objection, that it would violate the compromise (meaning the Constitution) of the United States. Sir, said Mr. W., I must call the recollection of the House to the two modes of election now adopted by the several States, the general ticket mode and the district mode.

And here let me remark, that the States have evinced a preference of the district mode, by an almost entire adoption of it.

The adoption of this resolution will produce uniformity in the mode, and stability in its duration, by being made an article of the Constitution, so that every State will be represented, as *it is*—by a member of the political character of the district, which, by a general ticket, would be taken away, and thereby the minority of the States would be wholly unrepresented in the legislative council of the nation.

Sir, by the Constitution, Congress may direct by law that the Representatives in Congress shall be elected by a general ticket or by a district election, which would supersede any law of any State fixing a contrary mode, although each State has a right to adopt either mode, unless Congress shall legislate on the subject; thus, sir, there is a clashing of jurisdiction in the general mode, which the adoption of this amendment will

prevent. Sir, Congress have, with great deference, avoided an interference with the State governments on this subject, although vested with supreme power, legislatively, to regulate the elections; and now, sir, although decided in the opinion that the district mode is the best, yet they forbear to act, but in concert with the States, three-fourths of which must concur before it can be adopted as the rule. And can we, for a moment, suppose that the Representatives of any State wished more than their just share of influence in the General Government, or to sacrifice the feelings and the rights of the minority in their said States? Sir, I hope my friend from Virginia will find in the Constitution a perfect power to make this amendment, without violating, in any respect, the letter or spirit of the instrument.

Sir, in Maryland, *we* are laboring under a most oppressive mode of election in the State Legislature; by a total disregard to the numerical principle, the vital principle of a Republican Government, where a majority ought to govern, which it is feared, will not be corrected without a serious commotion. It is a fact that the district of Maryland, represented in Congress by my honorable colleagues, Messrs. Smith and Little, sends only six Representatives to the State Legislature, while the district represented by *myself* sends twelve. Sir, the election of members of Congress ought not only to be by one uniform mode, but at the same time. Sir, the State of Virginia has not yet made her election of members of Congress, the effect of which we have just witnessed. Suppose the Legislature of that State was now to direct their elections by a general ticket for any purpose, and thereby turn out her present Federal Representatives, would any man pretend that Virginia would be more correctly represented, or approve the act? I presume not. We have recently seen in Boston what *little* things Legislatures can do, by their denunciation of the Compensation bill, but we draw consolation from the recollection that the Hartford Convention has its origin in that body, whence the American people will know how to estimate their doings. Sir, I hope the present resolution will be adopted, as it is an appeal to the Legislatures of the several States, now generally in session, accompanied by this evidence of our approbation, and in the concurrence of the Legislatures of three-fourths of the States will become the general law, whereby this source of discord may be extinguished, and uniformity and stability established. By submitting it, we should elicit the voice of the nation on this great question, and, I hope, establish a permanent *rule*.

Mr. Pickens, of North Carolina, said, that the force of the objections made by the gentleman from Virginia, who had just sat down, was, that the amendment would lessen the weight of the large States, by preventing them from giving a united vote. The State which that gentleman represents, said Mr. P., has a mode of election of Electors established which secures the end he considers so essential, and it has united its vote by a general ticket for a long time past. Yet he condemns the elections as exercised in that State in strong terms, as a "mockery—a shadow of a shade." [Here Mr. Randolph explained.] Mr. P. proceeded. Whether the error, of which the honorable gentleman so loudly complains, be in the mode of election in Virginia, or in the practice under it, is in effect the same thing, and is a strong admission against any mode of undivided vote. For, Mr. P. said, he thought it clear, that the practice so objectionable, if he understood it, was inseparable from any mode of undivided vote. He supposed the objection to allude to the nomination of candidates for Electors by the majority in the State Legislature, whereby the people are made machines, &c. If a general ticket must be formed, how, he asked, can it be done in a State of tolerable size, without some such concert? Can one individual form such ticket himself, with any hope of having his vote felt? By whatever mode then this concert obtains, whether by a party of representatives in the Legislature, or by whatever other collection of individuals, the principle is the same. And it requires counter-concert to frame a ticket in opposition. The voter is in either case a machine, moving by the influence of a caucus ticket; he cannot divide the candidates given him, without losing a share, nor take a new set without losing the whole weight of his suffrage. The evil complained of being inseparable from the general ticket mode, it applies of course to the mode itself with all the force the gentleman has given it. What other mode then remains for giving an undivided vote to the State? The only one yet practised upon is that of appointing the Electors by the State Legislatures directly; and if it is incorrect, that the majority of the Legislature should nominate a ticket for the people, will it not be as much so for them to appoint Electors without the people? The result of this reasoning is, that any mode which we have used for giving the undivided votes of the States, is subject to the same just imputation; it is a mere shadow and mockery of election.

Mr. P. said, he had great deference for the gentleman's abilities and experience on subjects of this kind, but thought his arguments predicated on a ground which was not strictly tenable—that the President is the Representative of the States, and not of the people. The number of Electors being in each State the same with that of the Representatives and Senators, seems to combine the National and Federative principles. The two extra Electors allowed without regard to population, was certainly a concession favoring the small States, and the remaining number, regulated by the amount of population, I am willing to submit, was a concession to the larger ones. By the proposed amendment, there is no attempt to change the number, and still a State will present a united suffrage, if the sentiment therein shall be sufficiently united. And in case it is not so, the loss to large States is not so great as at first might be supposed. This loss is not to be estimated abstractedly, but in relation to

similar losses which other States of various sizes will sustain; the fractional balance of loss may not be of any moment, while the absolute loss may be considerable. But we are asked, what equivalent is given for this loss? I answer that an ample equivalent will be found in the tranquillity, and in the reform of the exercise of suffrage from a shadow to a reality—the purity in its exercise, and the security against its geographical division. Divisions of this character are the natural effect of united suffrage, while promiscuous differences have no such tendency. And as naturally are our States now tending towards undivided suffrage. Some States, from views of policy, have led the way; others, on the ground of self-defence, are imitating the precedent, and now several States choose Representatives by a solid vote; and few only of the States divide in the choice of Electors. This then being the tendency of the unfixed state of the matter, having the effect of encouraging sectional feelings and divisions, and these again tending to a disunion, is it not an ample equivalent for the concession to avoid these evil tendencies, and attain the advantages pointed out?

The question was now taken on the first member of Mr. PICKEN's proposition, in the following words:

"For the purpose of choosing Representatives in the Congress of the United States, each State shall be divided, by its Legislature, into a number of districts, equal to the number of Representatives to which the State may be entitled.

"Each district shall contain, as nearly as may be, equal numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons.

"In each district the qualified voters shall elect one Representative."

And decided as follows: For that clause 86, against it 38.

So that more than the Constitutional majority of two-thirds decided in favor of this part of Mr. PICKENS's proposition.

Mr. JEWETT, of Vermont, proposed to strike out all the residue of the proposition, (relating to the election of Electors,) and in lieu thereof, to insert an amendment proposed by him, the object of which was, that the Electors of each State should be chosen from the representative districts; the two extra Electors to be chosen by the Legislature of the State.

Mr. RANDOLPH said, that the question just taken on the first member of the resolution had surprised him more than any other vote he had witnessed in this House; because he took the vote in reference to the arguments by which it had been supported. The honorable member from North Carolina seemed to think that the greatest danger to this Government, the greatest bugbear, was disunion. In former days, Mr. R. said, it had been held that consolidation was the greatest danger; that the amalgamation of the States into a consolidated Government, which would sooner or later eventuate in a monarchy, was a much greater danger. If the gentleman's argument were correct, why had he provided that the division of each State into districts should be made by the States respectively? If this were not a Government of States, why had the gentleman not provided that the whole population of the country should be subdivided into a certain number of districts, without any reference to State limits, so as to add, for instance, a fractional part of the State of Virginia to a fractional part of the State of North Carolina? Because this is a Government of the States.

The possession of power, Mr. R. said, was of all known causes the greatest promoter of corruption. I begin to fear, said he, that the time is fast approaching, when we shall forget that the United States were, at the commencement of this confederation, free, sovereign, and independent States. There is another member of the resolution, not yet acted on, which is abhorrent to my principles—that the representation in this House and the election of President should be in the ratio of a certain number of heads. If we were about to make a constitution, I would hold up my hand against it, because I am for a free, equal, republican form of Government, and I contend that nothing could be less free, nothing could be more anti-republican, than to give to the city of New York an influence on this floor, or in the Legislature of that State, which her relative numbers entitle her to. The constitution of England is complained of; but what would be thought of a proposition to give to the city of London that influence in the Government which, on the popular principle, her numbers alone would allow to her? It would be signing over to the city of London the absolute dominion and property of the whole realm. Mr. R. said, he was not at all surprised that gentlemen who had not given sufficient consideration to this amendment, should so lightly have voted for a part of it. The single objection he had just stated, if it had nothing to do with the rights of the States, would be fatal to it. It was more competent, he said, for two individuals to represent the city of London, than for ten to represent the county of York, containing about the same population; because in the county of York there were a variety of interests, but the interest of the city of London was one and indivisible. Give to the city of New York, said Mr. R., which is the London of the United States, or will become so, a representation proportionate to her wealth and population, and you put a dagger into the heart of the Constitution of this country. Suppose the amendment to be adopted—fortunately for us, however, it will come under the revision of the States; I feel a hope that they will not commit an act of political suicide; that they will not commit an act of *felo de se* by sanctioning it—let that, said he, become a part of the Constitution of the United States, and I would not give a button for the rights of the States. They will become mere appendages to this great Government—not much more than counties; they will become proper instruments for the exercise of intrigue and faction.

Mr. R. said he had no hesitation in denying the position of the gentleman from North Carolina, that there had been, or would be, less excitement in elections by districts than in elections by general ticket. The reverse had been heretofore invariably and evidently the case. The election of twenty-five Electors in Virginia by general ticket had not created, and never would create, the smallest excitement. District the State, and then you will see. He was very sorry, very sorry he said—he asked pardon of the State for having done it—for having spoken of the electoral law of Virginia in this House. Whatever complaint he had against her, he would make at home and not here. The proposed amendment to the Constitution, said Mr. R., goes to consolidation. Gentlemen say, it is very fair; that it "stands to reason." We ask them to prove it. They do not; for the gentleman from North Carolina, after undertaking to show that this is a popular Government, tells you that it was a concession to these small States that there should be Electors for Senators as well as for Representatives. And we, said Mr. R., have representation for our slave population, which was no more a compromise than the feature referred to. Why does he not move to strike that out? Why does he not carry the doctrine of perfectibility farther? Why not go on and resolve, that, Whereas the States are unfortunately divided into two factions, nearly equal in number and wealth, be it Resolved, and so forth, that each party shall have the privilege of exclusively choosing one branch of the Legislature? This would be almost as reasonable as some doctrines advanced on this subject. If, in the choice of Electors and Representatives, the whole United States constitute but one people, why not throw out the whole Union into districts? The Constitution, Mr. R. said, had settled how this should be done, and there he would leave it; and as to these jealousies, or heats, or animosities among the States, which had been spoken of, so help him God, he had never heard of anything of the kind among them. The Constitution has given them, said Mr. R., a power (of prescribing the mode of choosing Electors) and they have exercised it according to their good will and pleasure. *Ita lex scripta est*—so is the law. I never heard before of the United States interfering to hush up State jealousies. No, sir, said Mr. R., we are able to manage our own affairs, and we ask nothing of you but to let us manage them in our own way. This whole proposition had a direct tendency to engulph in the Federal authorities all the power and authority of the State—of this great community, he meant. The tendency of the progress of the Government has been such. Look at the expenses of the Government? What were they a few years ago? What were they under Washington, Adams, Jefferson; what were they even under the early part of the Administration of Madison? What were they then, and what are they now? Do not gentlemen hold in their hands both money and power? What is the Army? What the Navy? What the amount of the Revenue? What the amount of the disbursements under this or that commissioner of the Government? Is not money power? Are we to be thrown into a tumult about a pitiful difference between so many dollars a day or a year for our compensation, and go on changing the balance of the powers of the Government, almost without exciting public attention?

Mr. R. said he had a full, a firm persuasion, that this matter had not received the consideration to which it was entitled, and which he hoped it would receive before the House determined this momentous matter. He had his doubts, he said, whether a proposition to make the office of President hereditary in the family of the next President, would go more directly to the establishment of monarchy in this country, than that now before the House. This proposition adopted, the next would be, some gentleman, discovering a large fraction of population in one State, would think it would conduce to equal representation, to add it to a fraction in the next State; and so we should go on, until at last the whole distinction between the State and General Governments would be rubbed out, and there would remain of the former nothing but institutions for the choice of Senators. Then, said he, what will happen? We shall all find that it is extremely expensive to maintain two Governments over one people; that we cannot serve both God and Mammon; and we shall have the choice to abolish the General Government or the State governments—and which would prevail, Mr. Chairman, I leave to your sagacity to determine.

Mr. R. said he had been called up by accident on this subject, because of the apathy which appeared to pervade the House; not having the least idea that it proceeded from a disposition to support the proposition before the House, which he supposed was introduced—something like the President's annual recommendation of the organization of the militia and the establishment of a National University—that it would be talked about, a bill got up, and then permitted to go to sleep. This Constitution, said Mr. R., was made by no ordinary men, under no ordinary circumstances. I am unwilling now to touch it; to "rush in where angels might fear to tread." And, Mr. R. said, if ever there was a time more improper than the present to change the Constitution of the United States, he could not conceive such. A time when—what was the state of the fact?—when you can hardly excite any man on the election of the President. In Virginia, he said, there was no election in any county for Burgesses to the General Assembly which had not caused ten times the excitement that had been caused by the election of President of the United States. So, it seemed, the Constitution ought now to be changed, because everybody is satisfied with it as it stands! There was, Mr. R. said, a general disposition to acquiesce in its provisions, and no time could be more improper than this for meddling with the election of President of the United States. As to this House, that the State Legislatures, would consent to be dictated to by its recommendations, that was what he would never

believe. It had been suggested to him this morning, he said, that the single power of sending a recommendation to this House, fair and plausible as presented to the public eye, was an immense power in the hands of the Executive. So it is, for every man is captivated with a specious proposition, without considering how it is to be done. The responsibility is off the President's shoulders, said Mr. R., and the people look to you for it.

One word more, said he, and I will finish. This is, of all times the last, when the House of Representatives ought to act on a proposition to change the Constitution, in any manner that will affect the relative weight of the States. This House lies, it is said, under heavy imputations; let us leave this question to those against whom no such imputations lie. Let us leave it to our successors. How many of us are likely again to take our seats in this House? Certainly not all. Ought not that consideration to have some weight on a question of such moment? At the next session, the people will have sent here another House of Representatives. The question is not so urgently impending—for I suppose, sir, the party is safe for eight years to come—let us defer the decision of this question to the next session, when men will come fresh from the people, perhaps more highly charged with the national will, and equally able to express it with ourselves.

Mr. PICKENS considered the principle or the effect so little differing from the original, that he would be content with the amendment, if the majority of this body approved of it. But believing the original not attended with any serious inconvenience, and rather most consistent with his views in principle, he should not vote for the gentleman's amendment.

Mr. GASTON, of North Carolina, said, that the amendment proposed by the gentleman from Vermont (Mr. JEWETT) ought not to be acted on without some consideration. The plan of his honorable colleague was to divide each State into as many districts as the State had Electors, and in each of these districts to have an Elector chosen by the qualified voters among the people. The plan of the gentleman from Vermont was to divide each State into Congressional districts only, from each of which an Elector was to be chosen by the people, and to vest the Legislature of the State with the power of appointing the other two Electors. This latter proposition was supported by some considerations not to be disregarded. In the first place, it seemed more to consist with the theory of our Federal Constitution, which, in regard to the choice of a President, kept in view as well the federative as the popular principle. It would be recollected that, in apportioning Electors to the States, the Constitution had regard to their population, by assigning to them as many Electors as they respectively had Representatives; and had also regard to their federative capacity, by assigning to each, without distinction, two Electors, as it had assigned to each of them two Senators. Now, there would be an obvious congruity in giving the appointment of the two Electors to which each State was entitled, as a member of the Confederacy, to the Legislature of the State which represents its independent sovereignty; while the Electors, who represented the population of the State, should be chosen by the people, in proportion to their numbers. It was probable, too, that some inconvenience might result from the double division which it would be necessary to make of each State, upon the plan of his colleague—a division into districts, for the choice of Representatives, and another division into districts, a little more numerous, for the choice of Electors. On the other hand, there was a simplicity in the original plan which could not fail to recommend it, and a complexity in that suggested by the amendment, which perhaps more than overbalanced its advantages. He threw out these remarks to engage the attention of the Committee, and in the hope of ascertaining in which form the principle, which alike pervaded the original proposition and the amendment, was most likely to obtain their approbation. As for himself, he would candidly acknowledge that he saw so little difference in the practical results of either plan, and so strong was his attachment to the principle on which both were founded, that he was indifferent as to the form which might be preferred.

To the principle of the proposed amendment of the Constitution, I am, indeed, said Mr. G., a most zealous friend; and instead of feeling either astonishment or regret at the vote which has just passed, I hail it as a happy augury of that which will obtain on the remaining branch of the proposition. No man more reverences the Constitution than myself. No man would dread more any rash innovation on its principles. But this is not such an innovation. It alters not the fundamental terms of the contract—it merely regulates in detail, in conformity to these fundamental principles, a subject which had been left for regulation to the different State Legislatures, and which experience has shown ought to be regulated in the charter itself. And are we, in respect to the Constitution, to renounce the benefits of experience? Shall the lessons of practical wisdom, which are taught in that school, be received in vain? Such was not the design of the framers of the Constitution. They were aware that time would make manifest defects in that instrument, which no political sagacity could foresee, and they therefore provided, by the instrument itself, a process for its amendment. Surely, if experience has taught us anything in relation to our form of Government, it has shown that there ought to be an uniform and permanent mode of appointing Electors. It is demanded by the honor of our country, that some remedy should be devised to cure the shameful disorders which are obtruded upon our view, on the approach of every Presidential election. I speak without particular reference to parties, when I say the mode is everywhere made subsidiary to the immediate views and interests of the dominant faction. Nor do I think that we subject ourselves to the censure which the honorable gentleman from Virginia (Mr. RANDOLPH) bestows on those who claim, as

a part of the Federal Government, the right of arraigning the conduct of the State Legislatures. We do not now act in our ordinary capacity, as a branch of the Federal Legislature; we act in that peculiar character which has been imparted to us by the Constitution, of initiating amendments which are to be submitted to the consideration of the States. And it would be strange, indeed, if those to whom the people have granted this power were chargeable with arrogance when they inquire into the existing defects, and point out a suitable remedy; whether those defects are found to be inherent in the instrument itself, or to arise from the mal-administration of those whom that instrument has made the depositories of confidence. The gentleman from Virginia supposes that this subject has not been well considered. I believe that few subjects ever have received, in this country, so much consideration from those who have taken any part in public business. I will not say when it was first brought into notice—for I speak from general recollection—but certainly, for the last fifteen or sixteen years, it has in some way or other been before the public. At different times, during this interval, it has received the sanction of the Legislatures of New York, Pennsylvania, North Carolina, Massachusetts, and Virginia. It was, I believe, but the last Winter, that the Legislatures of the two latter States recommended it unanimously; and scarcely a session of Congress has passed for several years, but, in obedience to the earnest and unanimous wish of the Legislature of North Carolina, it has been brought under consideration here by some of the members from that State. Surely, there has been no precipitance in Congress; certainly, the subject is now understood, if it ever can be understood. Nor can I think that these States, large States, too, supposed they were seeking to break down State power, when they recommended such an amendment. 'Tis true, that such an amendment, in form, abridges the power of the State Legislatures, for it narrows their discretion as to the mode of appointing Electors. But, let it be shown (and if any gentleman can show it, it will be the gentleman from Virginia) that it deprives them of any beneficial power, of any power which can be available to them, by way of securing an equilibrium against Federal authority. The fact is, that it only takes away from them a matter of detail and regulation, onerous in itself, furnishing the materials for factious intrigue and manœuvre, and productive of no advantage to the States.

Mr. G. said his remarks were necessarily desultory, for they were unpremeditated; nor had he arisen with a view of entering into the merits of the great principle under consideration. He would, however, notice another remark of the gentleman from Virginia. It had been said, district elections of Electors would diminish the relative strength which the great States had in this Confederacy; and that, whether this strength was disproportionate or not, they were entitled to it by the original terms of the association, and ought not to be deprived of it. To this argument, it might be answered that it was the great States themselves which had requested this change, and surely it was not for them to complain of the alteration. But, even if such complaint could be made, he begged that it might be remembered that their present disproportionate power arose not from the original terms of the Confederacy, but from an alteration which had been made in those terms. It was to the amendment of the Constitution, directing that the Electors should designate, by their votes, between the President and Vice President, that the great States now owed their exclusive claim to these offices. And if the effect of the proposed amendment should be to communicate some additional power to the smaller States, it would be but to restore the ratio fixed by the original compact.

Mr. G. repeated that his wish, in regard to the proposition by the gentleman from Vermont, was to ascertain what effect its adoption would have on the success of the principle contained in the proposition of his colleague. To afford some opportunity for an interchange of opinions, and for a further discussion of the subject, he moved that the Committee should now rise.

When Mr. G. concluded, the Committee rose, and obtained leave to sit again.

THURSDAY, December 19.

Mr. CONNER presented a petition of Francis Le Barron, praying for permission to open and work any copper mine which he may discover on the southern shores of Lake Superior, or on the islands in that lake, for a certain number of years, upon such terms and conditions as the nature and importance of the subject may suggest to the wisdom of Congress; which was ordered to be referred to a select committee; and Messrs. CONNER, ROOT, and THOMAS WILSON, were appointed the committee.

On motion of Mr. FORNEY, the Committee on Military Affairs were instructed to inquire into the expediency of making such alteration in the organization of the corps of artillery, as will place the officers of that corps upon a more equal footing, as regards promotion, with the officers of other corps of the Army.

On motion of Mr. POPE, the Committee on Indian Affairs were directed to present to the House a general view of the measures that have been adopted under the several laws providing for the establishment of trading-houses with the Indian tribes, so as to show whether the expenses thereof have been defrayed by the profits, without diminishing the capital, or requiring auxiliary appropriations; and also to show at what points trading-houses are established under those laws.

On motion of Mr. SCOTT, the Committee on Public Lands were instructed to inquire into the expediency of providing by law for the establishment of land offices for the sale of the public lands in the Territory of Missouri, at the following places: At the town of Arkansas, in the county of Arkansas; at the town of Jackson, in the county of Cape Girardeau; at the seat of jus-

tice, in the county of Lawrence; and at the seat of justice, in the county of Howard.

On motion of Mr. SCOTT, the Committee on Public Lands were instructed to inquire into the expediency of providing by law for the better regulating the leasing and working the public lead mines belonging to the United States, in Missouri Territory, in such a manner as to protect the lessees in the quiet enjoyment of their leases, and to enable the Government to collect its rents.

On motion of Mr. SCOTT, the Committee on Public Lands were instructed to inquire into the expediency of providing by law for the leasing and working the salines belonging to the United States, in the Missouri Territory, or such part thereof as it shall be deemed adviseable to put into operation for public use.

Mr. P. P. BARBOUR moved the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the propriety of so amending or explaining the fourth section of the act for designating, surveying, and granting, military bounty lands, passed on the fifth of May, 1812, as to authorize a devise of said bounty lands, though no patent shall have been granted therefor, at the time of the devise.

Mr. BARBOUR observed, on this motion, that the object of that section of the law was to prevent a sacrifice, by discharged soldiers, of their property, without knowing or realizing its value; but it could never have been the intention of the Legislature to prevent a man from disposing of his own unquestionable property, on his decease, to any other person than the heir at law, if he should so will. This construction, however, had been given, and it was this construction he wished to be corrected.

The resolve was agreed to.

Mr. TAYLOR, of New York, in introducing the following resolution, adverted to the obvious importance of a correct report of the decisions of cases adjudged in the Supreme Court. The subject had been before Congress at the last session, and a bill had passed the Senate to authorize the appointment of a reporter of the decisions of cases adjudged in the Supreme Court, but from the press of business had not been acted on in this House. To bring the subject again before the House, he moved

"That the Committee on the Judiciary be instructed to inquire into the expediency of authorizing the appointment of a reporter to the Supreme Court of the United States."

The resolve was agreed to.

TRADE WITH THE INDIANS.

Mr. POPE, of Illinois, moved the adoption of the following resolution:

Resolved, That the Committee on Foreign Relations be instructed to inquire into the expediency of excluding foreigners from trading with the Indians residing within the limits of the United States.

Mr. FORSYTH of Georgia, suggested to the gentleman, that his object, as ascertained from the face of his resolution, had been already attained by an act passed at the last session.

Mr. POPE said, that the act referred to gave to the Government a dispensing power. His opinion was, that there ought to be no such power, and that foreigners ought to be entirely excluded. Such a course would relieve the Indians from their present dependence upon the British traders, the ill effects of which were at present very evident.

Mr. DESHA suggested a modification of the motion, so as to refer the subject to the Committee on Indian Affairs, instead of the Committee on Foreign Relations, to which Mr. POPE acceded.

Mr. FORSYTH then suggested to Mr. POPE the propriety of defining his object more precisely, because, from the terms of the resolution now proposed, it would appear as if there was no law in existence, excluding foreigners from trading with the Indians. There was such a law, and it would be better, he thought, that the gentleman should specify in his motion the particular part of it he desired to see amended.

Mr. POPE said he had not only in view the object he had mentioned, to repeal the dispensing proviso to the act of last session, but that the committee should also recommend such measures as would insure a due and certain execution of other provisions of the law in question.

The resolve was agreed to.

AMENDMENT TO THE CONSTITUTION.

The House proceeded to the order of the day, in Committee of the Whole on the state of the Union, to take further into consideration Mr. PICKENS's proposition to amend the Constitution of the United States.

Mr. STRONG, of Massachusetts, proposed an amendment to an amendment of Mr. JEWETT, (now under consideration,) the subject of which was, as Mr. JEWETT's motion proposed that the Electoral districts should be the same in number as the Representative districts, to further provide that the Representative should also be the Electoral districts.

Mr. HUGER, of South Carolina, took the floor, and observed, that he had paid less attention than he should otherwise have done to the subject under consideration, in consequence of the apathy and indifference which generally prevailed during the early part of the debate, and the impression thereby made on his mind, that a large majority of the Committee was opposed to the system of election by districts. He had since discovered that this impression must have been erroneous, and had therefore voted against going into the Committee of the Whole again on that day, in order to obtain further time for reflection. As the House, however, had thought proper to proceed, and the question would probably be taken that morning, he would venture to make a few remarks, crude and undigested, as he feared they would be found.

He was strongly impressed with the propriety, or rather necessity, of establishing some one uniform mode of election throughout the United States, and believed that by districts laid out in the sev-

eral States, by the Legislatures thereof, at certain fixed periods, to be the most eligible and most conformable to the true spirit of the Constitution, which could be devised. He had been, therefore, highly gratified at the vote given yesterday in the Committee of the Whole. From that vote he felt authorized to infer, that there was a decided Constitutional majority of that body who, with himself, approved of the system of district elections. Under this conviction, he should decline taking up the time of the Committee by any observations on the merits of the abstract principle which had already received their approbation, and proceed to inquire how far it might be expedient to adopt the second member of the resolution, which proposes to extend the same principle to the election of Chief Magistrate, which the first, already adopted, did—to the election of the members of the popular branch of the Legislature. In doing this, he should commence by endeavoring to meet and obviate some of the principal objections made to the proposed amendments generally, and more especially to the one respecting the Electors of President and Vice President, immediately under consideration.

It had been objected, that this was not the proper time to do anything, inasmuch as there was no excitement in the public mind, and our national concerns were progressing smoothly and prosperously. To him, on the contrary, it would seem, for these very reasons, the most proper time to investigate and act upon subjects of this kind. A most profound peace reigned among the civilized nations of Europe, with whom we had any political relations, as well as on this side of the Atlantic. All those passions and domestic feuds which had unfortunately divided and agitated the good people of these United States since the Constitution had been adopted, had subsided, and he trusted were at an end. The individual who was to fill the office of Chief Magistrate for the next four years, had just been elected; consequently, that election could in no wise be affected by a decision made at this time, in favor or against the amendment proposed. Party feelings were altogether extinct; or, if perchance any latent sparks still remained, there was nothing on the present occasion to rouse them into a flame. It was next to impossible that there should exist any undue influence or improper motive to bias the vote of a single member; nor could he well conjecture any other motive or inducement to vote for or against the resolution now proposed, save an honest conviction, on the mind of the member about to give his vote, that it was right or wrong. Surely no more favorable moment could be imagined, or asked for, to take up and decide upon the expediency of making a change of any kind, be it more or less important, in the great national compact.

Neither could the gentleman who introduced these amendments be accused of having brought them forward of his own mere motion and caprice, or without strong and sufficient inducements. There was not a person within the walls of that House who was not aware of the abuses which had taken place in regard to the election of the Electors of President and Vice President; nor would any one, he believed, deny that the present mode of choosing the President had a strong tendency to prevent the attainment of the great object aimed at originally by the framers of the Constitution, to wit: that of securing at the head of the General Government a pure elective Magistracy. Who indeed was not apprized of the various turns, and twists, and quirks, which had alternately been adopted by different States, or rather predominant factions in different States, to insure a result of the election of the day favorable to their wishes and views? How many and how frequent changes had been made in the mode of election, on the spur of the occasion, and to effect some temporary and factious purpose. It could not be necessary to recall to the minds of the Committee the Congressional caucusses, the Legislative caucusses, the town and city, and ward caucusses, and all that train of abuses, which had sprung up of late years, and been introduced by artful and intriguing men, to influence elections, and take them virtually, if not nominally, out of the hands of those in whom the Constitution wisely intended to vest them. But nothing more conclusive could be adduced on this branch of the subject, than the observations which fell from the gentleman from Virginia yesterday. He had stated himself to the Committee in so many words, "that he was decidedly opposed to the 'manner in which the State he represented had 'exercised its Constitutional power in regard to 'the election of Electors; that he felt himself ag-'grieved, as a freeholder of that Commonwealth, 'by the manner in which the late election of 'Electors had been carried on; that it was the mere 'mockery of an election—a shadow of a shade."

The people of North Carolina, the more immediate constituents of the mover of the resolution before them, had been peculiarly and frequently agitated, in consequence of the unsettled mode of electing the Electors of the President and Vice President; and the Legislature of that State had again and again, he believed, unanimously recommended an election by districts, both of the Electors of the Executive, and of the members of that body. Neither was that respectable State insulated, or alone in making the recommendation. Massachusetts, Pennsylvania, Virginia, and, as he had just been informed, New York—the four largest and most important States in the Union, had each, at different times within a few years, and with the indiscriminate approbation of both political parties, recommended the same or similar amendments to the Constitution. He drew two important inferences from this fact: first, that these powerful States had each experienced much inconvenience and serious evils from the present unsettled and changeable mode of electing the Electors of the President and the members of the popular branch of the Legislature. Secondly, that the system of electing the one and the other by districts, had suggested itself to them all, as the most eligible and most likely to remedy the evils they had severally experienced. Supported

by such high authority, he yielded the more readily to the dictates of his own judgment, in affording his feeble support to the amendments proposed by the gentleman from North Carolina.

But they were warned in glowing language of the danger of approaching the sacred charter of our rights, or meddling with the nicely-adjusted provisions of the Constitution. He felt the full force of the appeal. It accorded equally with the dictates of his judgment, the sympathies of his heart, and all the early prejudices of his political life. Attachment to the provisions of the Constitution, as it originally came forth from the Convention, and was afterwards adopted with amendments, by the several States, was what he understood to be regarded as true and genuine federalism. It was in this view of the subject, and upon this principle, that he had accepted of the appellation of Federalist; not merely from attachment to any party, however greatly he might have esteemed, and been attached to the individuals composing it. Such indeed was his veneration for the Constitution; such the awe, the dread, and the superstitious reluctance with which he ever approached it, that he was almost prepared to accept of the well known alternative prescribed on a former, and somewhat similar occasion, and oblige the individual who proposed an amendment to it, to do so with a halter around his neck. On the present occasion, however, he felt himself not so much supporting an alteration in the fundamental principles or provisions of the Constitution, as endeavoring to restore it in some degree to that form and symmetry in which it proceeded out of the hands of its original framers, and which it possessed previously to the change adopted some years since in regard to the election of President and Vice President, by designating each, and thereby destroying the whole machinery so dexterously, and as he had always conceived, so happily contrived by the Convention. He remembered perfectly when this change was introduced and carried, for he had at the time a seat in that House. The gentleman from Virginia, (Mr. RANDOLPH,) and himself, then stood in a relative situation, diametrically opposite to that in which they were now placed. Those who thought with him, as well as himself, had then in like manner, though in less powerful language, no doubt argued against change and innovation. But they were laughed at, and compared, as he well remembered, to a certain nation, who were represented to have been so attached to old habits, that, because their forefathers had once harnessed their ploughs to the tails of the animals which drew them, they could never be induced to alter the mode, ridiculous as it was, or change it for any other, though evidently more convenient.

He hailed, however, most cordially the revolution which had taken place in this, as well as in so many other respects, in the opinions of gentlemen. It afforded him peculiar satisfaction to find that those, who some years ago had promoted most strenuously the change in the mode of electing the Executive branch of Government, had been taught by experience, at least, to doubt of the wisdom of the measure, and to express something like regret at the part they had taken in bringing it about. For himself, although he had no disposition to enter into a lengthy discussion of what had been done, and felt all due deference for his own, as well as the other States, which had sanctioned the alteration he alluded to, by adopting it; yet he might, he trusted, be permitted to say, without giving offence to any party, that, in his estimation, the original provision of the Constitution, in regard to the mode of electing the Executive branch of the Government, had not had that fair, full, and sufficient trial to which it was entitled, and that the feelings and irritation of the moment had led to the change in it, by designating the respective individuals who were to fill the offices of President and Vice President, rather than cool investigation, mature deliberation, or any strong evidence that such an amendment would be really an improvement in the system or mode of election introduced by the Convention.

Were it possible to get the Constitution restored, in this respect, to its pristine form, he should be perfectly satisfied. He had no hesitation in acknowledging that he should prefer such a course to the amendment under consideration, or any measure whatever. But the time was not yet arrived when he could entertain even the hope of this being brought about. He must, therefore, accept of the next best alternative, which he thought to be the uniform mode, now proposed, of choosing the Electors of the President by districts throughout the United States. Indeed, the practice and abuses in regard to the election of the Executive branch of the Government, where everything was left to the whim and caprice of the moment, and no sort of check provided against intrigue or any other abuse, had been found from experience so objectionable, and were evidently so pregnant with evil and future mischief, that scarcely any change could be devised which would not, in his estimation, afford the probable chance of a better state of things.

It had been further urged, as an objection not to be gotten over, that the amendment proposed was contrary to the spirit, and totally abhorrent to every principle upon which the Constitution was founded. The Constitution, they were told, was a mere matter of compromise and expediency, and had nothing to do with the principles and admitted axioms belonging to popular Government. He neither acquiesced in the soundness nor force of the objection, nor in the accuracy of the exposition as to the features of the Constitution. He felt no hesitation, indeed, in acknowledging, that the Government under which we lived was one of compromise and expediency; but insisted that it was a compromise avowedly intended and understood, *ab initio*, to be engrafted upon popular principles. These principles, it was true, were modified in many respects, and in a great variety of ways, by the compromise entered into. The federal principle of distinct States

having separate and distinct rights, particularly in regard to the management of their own internal concerns, was beyond all doubt one of the features of that compromise. On the other hand, the immediate agency of the people, in contradistinction to that of the State sovereignties, was another feature no less strongly marked on the face of it, and which extended, *pari passu*, throughout all its provisions. Banishing, then, all idle disputes about words, he contended the Constitution or compromise was founded upon and compounded of two perfectly distinct principles—the one federal, the other popular.

These two principles would be found blended and preponderating alternately, in a greater or less degree, in every article and section of the written compact, which he held in his hands. The very first words of that instrument proved beyond all doubt that it was understood to emanate immediately from the people, not merely from the State sovereignties, under which the people had previously lived. The words are, "we, the people of the United States, &c., do ordain and establish this Constitution for the United States of America." Thus showing at the very outset, that the Constitution emanated from the people of the United States, acting for themselves in their original capacity, not at second hand, through their local or State sovereignties; and in like manner showing that it was a compromise founded as well on federal as on popular principles. Thus, too, all legislative power is, in the first article and first section, vested in a Congress, to consist of a Senate and House of Representatives—the latter upon the popular principle, to be composed of members chosen by the people of the several States; the former upon the federal principle, of two Senators from each State, chosen by the Legislature thereof.

Granting, then, that the amendment under consideration might lean somewhat more towards the popular and encroach some little upon federal principle, by bringing the election nearer to the people themselves—this was evidently neither contrary to the spirit, nor abhorrent to the original principles upon which the Constitution had been founded. It was, in plain and simple truth, nothing more or less than a new modification of these principles, proposed to be brought about in the form and manner specified by the Constitution itself; which modification experience had proved to be necessary, but nevertheless could not take place until submitted to, and duly ratified by a Constitutional majority of the Legislatures of the several States. And if it were true—another leading objection urged by gentlemen—if it were true that by introducing this new modification of the mode of election, the right of the great States to wield the collected mass of their population and power at will, was, *quo ad hoc* abridged, without comparatively, and in the same ratio abridging that of the smaller States, or as it has been more forcibly expressed, without an equivalent; he would ask in turn, what equivalent had ever been given or even offered to the smaller States, when they were deprived of the check, or at least neutralizing effect in the election of the Executive, which had been secured to them in the Constitution previously to the alteration in the mode of electing the President and Vice President, by designating each? They had never asked nor received any. This new modification, therefore, of the mode of election was the more equitable and less objectionable, as it had a tendency to restore in some degree the equilibrium in this respect, between the great and small States, which had been so carefully established in the original compact.

Here, he would observe, that all those who were at all versed in the history of the times, or had ever heard anything of the proceedings in the Convention which formed the Constitution, well knew, that by far the greatest difficulty experienced in adjusting the provisions of it, was, with regard to the Executive branch of the Government, and in particular as to the mode of selecting or electing the Chief Magistrate. In all Governments, but more especially those which were in any degree founded on Federal or popular principles, this had ever been the great stumbling block, the all important desideratum; nor had the difficulty, as far as he had learned, ever yet been entirely gotten over. He had understood from all those of the original members of the Convention, whom he had ever enjoyed the advantage of hearing converse on the subject, that this had been found the great Herculean task in the Convention; that this point had been longer and more frequently agitated, and that more projects and contrivances had been submitted to their consideration in regard to it, than perhaps all the other provisions of the Constitution, taken together. It had been early agreed, that the three great branches of the Government should be distinct and independent of each other; that the powers of the Executive should be vested in a single individual; that the legislative branch should consist of two Houses, the one federal, immediately chosen by and representing the States; the other popular, immediately chosen by and representing the people; and that the Judiciary should consist of judges holding their offices during good behaviour. These great outlines of the Constitution were early arranged, and of comparatively little difficulty in the adjustment. But it was long, very long, and not until after the subject had been sifted again and again in every way, and presented to view in every possible shape, that the mode of electing the Executive branch of the Government had been adopted. He had understood it to have been, in the first instance, determined that the President should be elected by Congress. Upon further reflection, this determination was not deemed satisfactory, was reconsidered, and rescinded. It was also proposed that he should be elected by the State Legislatures, by the people in the several States, by the people at large. In short, every project which the ingenuity of the members could devise and present to the consideration of the Convention, was in turn examined and rejected. The subject, with all these various projects, was

at last referred to a large and most respectable committee, who ultimately suggested the system in regard to the election of the Executive branch of the Government, which had been adopted, and which, he had been assured, was regarded by the original framers, as by far the most admirable and important feature in the Constitution. By that system, it will be recollected, that the Electors were obliged to vote for two persons of different States, without designating either as President and Vice President. Hence, in case of any unfair combination of the larger States, (at that day the danger most apprehended,) or any undue attempt on the part of any powerful faction or great predominating interest, the smaller States, or minority, had an efficient check, it being necessarily in their power, either to turn the scale in favor of the least objectionable of the two candidates, and thus insure his favor when President, or at least to elect the Vice President, then the real heir apparent, and not, as in subsequent times, the mere puppet of party, selected, because he was unfit to be Chief Magistrate, or accepted in the way of barter and sale, to secure the election of a favorite individual to the Presidency. But, in an evil hour, at a moment of irritation and high excitement, this admirable feature in the Constitution had been destroyed by designating the individuals who were to fill the respective offices of President and Vice President; everything like balance and check was done away; and the election of the Chief Magistrate left entirely to the prevailing faction, or rather to two or three artful individuals, who might get the highest bidder, perhaps, nominated in that unconstitutional and monstrous contrivance—a modern Congressional caucus. It was, then, he repeated, to obviate the evils already experienced, and the mischief likely to arise, from this baneful state of things, and to restore, in some degree, the Constitution to its pristine shape and original symmetry, that he supported the amendment proposed, not from desire of innovation, still less from any wish, on his part, to impair the rights of the large States. It was, moreover, particularly worthy of remark, that, in doing this, the federal principle of the Constitution, though newly modified, was still carefully preserved, and formed a strong feature in the amendment. The election would be brought nearer to the people, it was true, by introducing throughout the United States a uniform mode of choosing Electors by electoral districts, and thereby putting it out of the power of the Legislatures of the several States to appropriate, on the spur of the occasion, that high prerogative to themselves, in the great scuffle for ascendency, which so frequently took place among them. But the number and proportion of Electors were to continue the same; two Electors were still to be allowed, under either of the modifications proposed, for the two Senators each State was entitled to: a provision supposed to have been originally adopted in favor of the small States. At the same time, each State would continue to have an additional number of Electors, equal to the number of members it had in the popular branch of the Legislature; and districts, equal in number to the Electors each State might be entitled to, were to be laid out by the Legislature thereof, in each respective State. The whole people, then, of each respective State, would continue to enjoy the same relative weight in the election of a Chief Magistrate, which, according to the Constitutional ratio, they now possessed. But one great and important object, among many others, would be obtained. All danger from geographical divisions and jealousies on the approach of an election would be done away. Not only all the different interests of each State, but all the various and complicated interests scattered throughout the vast extent of the whole United States, would have a full and efficient voice in the election of the Executive. It was reasonable, therefore, to conclude that he would generally be elected by the majority of these interests combined, and not by one great leading and preponderating interest or faction. The East, the West, the North, and the South, would each have its proportionate influence in the election; and no one or two geographical portions or divisions of the Union, by combination, intrigue, or otherwise, would be enabled to overwhelm the others. The Chief Magistrate would consequently be, as was intended, emphatically the choice of the whole people, and of all the different interests throughout the Union, elected by the people in conformity to the ratio established upon the federal and popular principles engrafted on the Constitution. What more can be asked or wished for? What other mode could be devised more likely to give universal satisfaction, and consequently to insure permanency to the Union—*ultima thule*—the great end of all their hopes, and fears, and labor.

When Mr. G. had concluded, the House adjourned until to-morrow.

FRIDAY, December 20.

Mr. LOWNDES, of South Carolina, from the Committee of Ways and Means, reported a bill for the discharge of Nathaniel Taft from his imprisonment, which was twice read, and committed.

Mr. TUCKER, of Virginia, from the Committee on the District of Columbia, reported a bill to incorporate the Farmers and Mechanics' Bank in Georgetown, in the District of Columbia; a bill to incorporate the Central Bank of Georgetown and Washington, in said town of Georgetown; a bill to incorporate the Union Bank of Alexandria; a bill to incorporate the Patriotic Bank of Washington; a bill to extend the charters of certain banks in the District of Columbia, and for other purposes; a bill to prevent the circulation of the notes of unchartered banks within the District of Columbia; all which bills were read, and referred to the same Committee of the Whole.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting his annual report upon the state of the finances, which was read and referred to the Committee of Ways and Means.

AMENDMENT TO THE CONSTITUTION.

On motion of Mr. Pickens, of North Carolina, the House having again resolved itself into a Committee of the Whole, on the proposition to amend the Constitution so as to establish an uniform mode of election of Representatives and Electors—

Mr. Grosvenor said, that he had once before, upon this same amendment, delivered his sentiments in this House at length. He would not detain the Committee at this time to repeat all the arguments which had occurred to him. In many he had been anticipated, and it would be criminal to spend time in travelling over the self-same ground which had been so ably and accurately explored by others.

There could be no doubt, Mr. G. said, that the Constitution was founded on a compromise of the interests, principles, and prejudices of the various States; and it was as little to be doubted that in that instrument were to be found a combination of two distinct principles, the federative and the popular. In some parts the people were recognised as citizens of the Union, and were empowered to exercise their rights without the control or check of the State governments. In other parts they were recognised as citizens of distinct sovereign States, and empowered to exercise their rights as members of the Union, only through State organs. The framers of the Constitution deemed this combination of distinct principles, and distinct sovereignties in our Government, as essential to its success and duration; and, Mr. G. said, so essential had the full support of the Federal principle in the Government been deemed by him, that he never doubted that he was the evil angel of our system, who should have influence enough to strip the States of their dignity and their sovereignty, and to consolidate all sovereign power in the General Government.

Mr. G. said, he must view with great jealousy every proposition bearing an aspect unfriendly to the rights and influence of the States; and if, as his honorable friend from South Carolina (Mr. Huger) had stated already, by amendments of the Constitution, branches of power and sovereignty have been dropped from the State governments, and grafted on the General Government, so far from furnishing an inducement to make further inroads on the power and dignity of the States, it was a strong argument against this or any other attempt still further to reduce them.

The frame of our Government, said Mr. G., is of a most delicate and complicated texture. The machinery was put together by sages, philosophers, and practical sound statesmen. Hitherto it has run well—and although it may have produced some evils, and exhibited some defects, it has, upon the whole, accomplished, and promises long to accomplish, the great objects for which it was organized.

Let me conjure gentlemen to approach it with caution. In a general view, nothing can be more destructive to any nation, than the indulgence of a restless spirit of innovation, which will never suffer the fundamental principles of the Government to stand or fall, by the tests of practice and experience.

To a constitution, framed like our own, the result of compromise and contract among independent sovereign States, complicated and novel, the above remark applies with peculiar force. I hold it, therefore, as a political axiom, that no essential or important provision of our Constitution is to be destroyed or changed, until, by a fair and full test of practice and experience, it is found productive of evils highly detrimental to the State, and which, without such destruction or change, cannot be remedied.

But, said Mr. G., if any provisions of our Constitution should be held more sacred from innovation than others, it was surely that class which divided and distributed the sovereign powers of the country between the States and the General Government. Prominent in this class, is the provision now proposed to be abolished; it provided for the election of a Chief Magistrate, the most interesting as well as important object provided for by the Constitution.

Thus, is this right vested in every State, to be exercised according to its sovereign will, without the slightest control of any earthly power. It is a great and distinguished attribute of sovereignty; a substantial, sovereign, independent right to designate the man who shall preside over the Union. Destroy this attribute of sovereignty—erase this prominent federative feature from the Constitution; advance one step further—take from the State Legislatures the right to elect Senators, and you may then search in vain for another federative feature in that instrument; you may look in vain for any recognition of the State sovereignty for any valuable or substantial purpose. The Government becomes a consolidated popular Government—and all those benefits which the wisest men have thought would result from its federative character, are thrown to the winds, without ceremony or trial.

Sir, I would pause long before I would sanction an attempt to produce a consummation so dangerous.

When I behold the armies, the navies, the wide system of taxation, the immense revenues, and the boundless resulting patronage, which circumstances have, in the very infancy of our nation, accumulated in the hands of the General Government, I cannot but view with reprehension those constant efforts to strip of all power, and dignity, and strength, the States of the Union; to reduce to insignificance and feebleness those very powers, intended by the framers of the Constitution to check all abuse of power in the General Government, and finally to constitute barriers impassable to any despot.

Nor let any one object to this, the fact that a majority of the States have heretofore supported, instead of opposing, the policy of the General Government. In ordinary times, such a coincidence is every way desirable.

But does it here follow, that in times of real

danger, they would not rally under the standard of opposition, and save the country? Does it follow, because, in the struggles of party violence, or upon questions of general expediency, a majority of the States have generally supported the Chief Magistrate, whom they had elected, that, therefore, they would aid him in subverting their own liberties, and producing their own destruction?

No, sir, if ever the time shall arrive, when the Executive of this Union, wielding his mighty power and patronage, shall advance to the subversion of the liberties of his country, then the wisdom of our fathers will receive the crown of experience. For then these very States will constitute a sovereign phalanx, under whose legitimate and Constitutional banner the people may rally, and crush at once the feeble usurper who should assail their rights.

This, sir, is my view of this interesting subject. I think the proposed amendment strikes at the very root of our safety. On every occasion, I would pause long, and search most earnestly for some other remedy for any evil or mischief, before I would detract one scintilla from the sovereign power and dignity of the States.

But, really, sir, I would yet ask, What are the evils which result from this exercise of right by the States? And how does this proposed amendment provide a remedy?

1st. We are told that there is a great want of uniformity in the manner of choosing Electors in the several States; that in some that choice is by districts, in others by general ticket; in others by the Legislature.

And pray, Mr. Chairman, who informed the honorable mover of this amendment, that this was an evil? Why is uniformity desirable? Of what importance is it to Virginia that New York appoints her Electors by the Legislature, or to New York that Virginia appoints her Electors by general ticket?

It is to be sure a fancy, rather pretty than otherwise, that the whole Union should be marked off upon the map in lots or districts of thirty miles square, and that on the same day, and in the same manner, the men of each district should vote for Electors. But is uniformity then obtained? Not at all. In Virginia none could vote for Electors, but the landholders; while in the contiguous State of Maryland, every man above his minority would have a voice in the election. To obtain uniformity you must either force the aristocracy of Virginia to mingle their suffrages with the democracy of the State, or you must persuade the poor of Maryland to relinquish that dearest of all rights to which they have been accustomed. Where is the gentleman bold enough to hint at such an invasion of the rights of any State?

But suppose you obtain this mighty boon, uniformity—what practical benefit do you secure? Sir, it is a shadow—a phantom—a thing that sounds smoothly, but of no real value; and to obtain this shadow, I can never consent to strip the States of an important sovereign right, and sink them into insignificance.

But another evil is mentioned—the power and influence of the great States. It is said that Massachusetts, New York, Pennsylvania, and Virginia, by obtaining twelve votes from any other State, and adding them to their united suffrage, may elect a President in defiance of all the other States.

But do gentlemen imagine that by this amendment they provide a remedy for this evil? They are utterly mistaken. Against this evil the Constitution originally contained an effectual antidote; it contained a provision directing the votes to be given indiscriminately for President and Vice President, and he who had the greater number became the Chief Magistrate.

This secured to the small States the power of defeating the combination of the larger States in favor of any individual or any State. It also enabled any minority of States to defeat any caucus nomination of any individual. The madness and folly of the small States surrendered that provision to the violence of party. They consented to strike it from the Constitution, and no man can now doubt that by that act they bound themselves in those chains which they are now endeavoring in vain to burst asunder—smarting with a consciousness of their own fanatic folly, they seem ripe for any change. "Innovation, innovation," is the constant clamor; "our condition cannot be worse—any change must improve our condition."

Sir, this is the very language of mortification and despair. Why will you innovate? You will effect nothing. In 1802, when, worshipping the rising star of Virginia, you surrendered your power to the clamor of party—you surrendered it forever.

You may struggle in the toils; you may clank your chains and gnash your teeth at the remembrance of your own folly; you but beat the air; those mammoth States who hold you in fetters will but laugh at your bootless rage, and draw them the closer.

Pass this amendment, you leave the great States entire; their power, and numbers, and influence remain uncrippled. Think you they will imitate the gullibility of the small States, and return what has been given them? District the great States, and are they thereby made smaller? Is their relative power diminished? And if in times of party violence some hope might be entertained that different districts in the same State might return Electors of different political views, yet such a hope would be now idle.

Those party feelings, which have so long arrayed men against men in every State, are fast subsiding. They may not be wholly obliterated, but I do apprehend they will so far soon vanish as to leave the spirit of the State in its full operation. In many, nay in most of the States, this condition of parties is already realized. Unaided by party feelings, of what avail to reduce the influence of the great States will your districting plan be? Of none whatever. The pride of the State will be felt in every district, and in perfect consent they will return an undivided vote in

favor of the man whom a caucus shall designate as the Cæsar of the Republic.

No, sir, you may patch, and botch, and tinker the Constitution, until its own fathers shall no longer recognise a single feature of its early existence, you will not remedy the evil. There is but one remedy: coax, if you can, the great States to relinquish the power you foolishly gave them, when, in compliment to Virginia, you immolated the smaller States in 1802. Then, and not till then, will those States find themselves able to frustrate any combination in favor of the child of party, or the aspiring demagogue.

Another evil has been mentioned—a minority of the people of the Union may now actually elect a Chief Magistrate. If this be so, how is a remedy provided by this amendment? This is not the result of the mode in which Electors are appointed, but of the existence of Electors in our system. So long as an intermediate body of men is interposed between the people and the President, upon the vote of which the election depends, such an event is of course possible. No matter how that intermediate body of men is elected, whether by districts, by general ticket, or the Legislatures of the States, so long as it is constituted of members elected in the different States, and so long as it is a body which independently may call any man to the Chief Magistracy, it may always happen that the voice of the minority of the whole Union may elect the President.

If this be an evil, it results solely from the admission of Electors of President into our system. There is no effectual remedy but to strike from the Constitution the office of Elector, and vest the election directly in the people. I imagine gentlemen, in all their rage of innovation, are not prepared for a change so radical and dangerous; and when we consider that the case has not yet occurred, nor is likely ever to occur, we need not feel much anxiety to provide barriers against it.

Another evil has furnished a topic for much declamation. We are told that in some of the States the voice of the minority is entirely unheard in the election of President. And is not the voice of the minority always ineffectual in every election? There is nothing novel in this. If the States are districted, the minority are in the same predicament. The voice of the minority in each district will never be heard; and thus the mischief, if indeed it be at all a mischief, the same in principle, the same in extent, but varied only in form, would remain in all its force.

The truth is, in every election, no matter what its form, the will of the majority must prevail. Their voice must be victorious in every choice; and that of the minority must be unregarded. The committee must at once perceive the vanity of any attempt to remove a consequence flowing directly from the nature of every free Government, and from the essential principles of representation.

I come now to the last and great complaint. Executive interference in the election of a successor—the deformity of a legislative caucus—State intrigues—have been rung in our ears without cessation. The disgraceful scenes of last winter in this Capitol, the apathy of the people, the unconstitutional manner in which the Chief Magistracy has been disposed of, have been painted in glowing colors, and we have been asked, will you not take a cure for all these disorders? Here it is—this amendment—take it—the monster caucus will die, Executive influence is strangled, and State intrigue will live no longer. All this may be so; but before I take the remedy, I wish to examine its composition. I would survey the disorders to be removed or healed, and then I would examine well whether the remedy offered is a prescription of efficacy and power, or whether it be some nostrum of political quackery, before I would consent to swallow it.

That great abuses have entered into the election of a Chief Magistrate, none can deny. That through the agency of that modern invention—a legislative caucus—the Executive finds no difficulty in designating his successor with greater certainty than could the first tyrants of imperial Rome—the Cæsars—who should succeed them, is unfortunately too true.

That in many of the States the managers of a party have converted the right of election into a farce, by intrigues and violence, without precedent or parallel, is perhaps also true. Nor can I join the gentleman from Virginia (Mr. Randolph) in exempting his "own dear native State" from its full share in these disgraceful scenes. On the contrary, she has, in my opinion, contributed more than any other State—more than all other States—to transfer, substantially, the election to a caucus of Congressmen, and to fix and perpetuate the influence of that unconstitutional monster. What was the business of the grand committee appointed the last winter at Richmond? Why, to take up the candidate who should be manufactured by the caucus here; to nominate Electors who should pledge their votes to that candidate, and thus, in truth, to turn the whole affair in that State to a farce or a shadow. This was accomplished by that committee, and so effectually accomplished, that I doubt much whether any man has even thought of asking for whom the Virginia Electors had voted. They were pledged before they were chosen to vote for the caucus candidate, and no man doubts they have redeemed the pledge. Thus in Virginia the legitimacy of caucus nomination has been fully sanctioned; in no other State has the game been played with such unblushing impudence. But by what strange course of reasoning have gentlemen brought themselves to the conclusion that this proposed amendment will prevent the recurrence of these alarming scenes? Vain, and worse than vain, is this effort to restrain a dominant party. Divide the State into districts, will that destroy the caucus? O, no; the men whose interests it may be to preserve the monster, will still protect him. He will laugh at your vain attempts, and again and again trampling down the weak fences of the Constitution, he will, as it shall please him, or rather as it shall please the

existing Executive, make and unmake Presidents with the same ease as did the Prætorian cohorts the masters of the Roman world.

Do gentlemen think that districts will be less under the control of a caucus than States? Or that States, when districted, will be less subject to this influence than at present? On the contrary, in proportion as you narrow the territory, the intelligence, the wealth, and the integrity upon which that influence is to operate, do you give force and facility to its operations. Do you believe the future candidates, the future Secretaries of State, will be destitute of the powers of calculation? They will be able to count the districts secured to their influence, and those that are of doubtful or opposite character. In the latter, it will only be necessary to secure a few leading men, and upon them they will bear down with the united influence of a legislative caucus, the patronage of the General Government, and the power and intrigues of the State, in which the districts are situated. Can they fail thus to triumph in any district? Let it not be forgotten, too, that these districts are to be arranged by the States themselves. Will they fail so to arrange them as to give the most ample facility to all this sinister influence?

What is the language of experience upon this subject of districting? Recur a moment to the conduct of the States in the exercise of this very right.

I had, Mr. Chairman, the honor of a seat in the Legislature of New York, when that State was last divided into districts for the purpose of electing members of this House. How were they laid off? With the sole view of returning as many of the supporters of Administration as possible to this House. With that view, counties were cut and slashed in every direction; districts, single, double, and treble, of every shape and of every size, were manufactured; cities were sundered, and the parts whose political character was not of the right sort were connected with counties at the distance of an hundred miles; towns were cut out of the very heart of a county, and annexed to other counties. In short, no device, however shameful, was omitted to obtain the result, and the result was obtained. For, although the great political parties were then nearly balanced in the State, yet so were the districts contrived, and so do they still exist, that not more than six or seven of the twenty-seven Representatives of that State can ever represent the wishes and opinions of the minority. Sir, these facts are notorious. An honorable colleague of mine (Mr. TAYLOR) had then a seat in the New York Legislature, and stood among the leaders of the majority. He, at least, cannot doubt the accuracy of my statement.

Gentlemen have surely heard of the Senatorial districts of Massachusetts; their form, "if form indeed, they had, that shape had none," set all description at defiance. Pictures were drawn of them, and fac similies circulated in the newspapers. They were, indeed, like nothing in the heavens above, in the earth beneath, or in the waters under the earth. No language heretofore invented could give any idea of their peculiar attributes; and the good men of Massachusetts were driven to invent a new political nomenclature to talk about them intelligibly. They were called Gerrymanders, from the name of the gentleman who was then at the head of the faction which produced the shapeless brood. I will mention but one more instance—within the view of this Capitol, any gentleman may behold a practical lesson on this very subject.

For the purpose of electing an Elector of President, the county of Montgomery is most unnaturally separated; a part of it, hitherto of high Federal tone in politics, is annexed to the city of Baltimore; they are connected by a small strip of land, running the whole length of the county of Anne Arundel. Those who know the political character of Montgomery, and that of Baltimore, will be at no loss to find the inducement which led a party to force them into this unnatural alliance.

With these facts in full view, can gentlemen hope any good from their districting plan? Will it prevent future caucussing? Will it prevent State intrigue? Will it secure a fair hearing to the voice of the minority in each State? Will it palsy Executive influence, or prevent Executive interposition? On the contrary, the vilest character of party will be exhibited, in contriving districts to give an undivided party vote. Each district, insulated and unsupported, will become the victim of caucus influence, State intrigue, and Executive patronage.

Mr. Chairman, the source of all these evils is the practice of legislative caucussing; this practice must cease, and with it the evils will vanish; no amendment of the Constitution will effect this desirable object. The Constitution now provides that no member of Congress shall be qualified to vote for a President. Yet, have not the majority of Congress expressly violated the spirit of this prohibition? Have they not, in truth, by this new invention of caucussing, become electors *de facto* of the Chief Magistrate? True, they only "recommend." Sir, let us not be imposed upon by the juggle of names. Do we not know that this "recommendation," made in solemn convention, signed by chairman and secretary, is tantamount to an election? Has not experience shown beyond the power of cavil, that when the caucus at Washington decides, the business is substantially done, and all that remains is a ceremonious meeting of men chosen and pledged to register in due and Constitutional form the mandate of the caucus? The Constitution, then, is violated; and if a dominant party in the Legislature of the nation can thus openly trample on the charter, and if the delusions of party can prevail on the people to view with applause the proceeding, is it not mere babbling to talk of erecting other Constitutional fences to guard the purity of election?

And who are the gentlemen that urge us to this course? Are they the very statesmen who have broken down the fences of the Constitution and let in this flood of evils upon the country?

And what is the substance of their language? Our fathers framed a scheme of Government wise in all its parts—strong for the protection of our rights; it was the great charter of our liberties, it should have been sacred from violation; to gratify the ambition of one man we tore away one barrier against despotic power. To perpetuate the triumphs of party, we seized with audacious violence the rights deposited in other hands. We violated the spirit of the great charter. We toppled the Constitution from its base. "We introduced a legislative monster, called a caucus, 'which has devoured our rights, and threatens to 'trample down our dearest liberties. Come forward, now, you that are innocent of the deed, aid 'us to restore what our violence has destroyed."

Well, sir, we will do so; but, under pretence of restoring what has been destroyed, we cannot consent to pluck from the Constitution almost its last federative principle. To accomplish the object, it is not necessary to add new patches to the Constitution. This constant tinkering will only produce new evils.

No, sir, let the majority of Congress cease to do evil. Let them scorn to be made the instruments of party, to elevate any man in violation of the Constitution. Let them meet no more in caucus. Give not to the President and his minions that wide field for sinister influence and intrigue. Let the States, as directed by the Constitution, appoint, as it shall please them best, their own Electors, and leave them to perform their duty uninfluenced by any mandates issued from a caucus convened in this Capitol.

Thus, and thus only, sir, can the object be accomplished. When gentlemen are willing to take this patriotic stand against Executive influence and party corruption, the evils of which they complain will vanish, and the Chief Magistrate of this nation will, as in the better times of our Republic, depend on the voice of the people, and not on the voice of a faction, to elevate him to honor and to power.

The debate continued until past three o'clock, when the amendments offered to the original proposition having been rejected, the question was taken on the second and last number of the proposition in the following words:

"A division of the States into districts, for choosing Representatives in the Congress of the United States, and into districts for choosing Electors of President and Vice President of the United States, shall take place, as soon as conveniently may be, after each enumeration and apportionment of Representatives shall be made, which districts shall remain unaltered, until after the succeeding enumeration and apportionment of Representatives.

And decided as follows: For the clause 87, against it 51.

There being a sufficient majority to carry the question into Committee of the Whole, but not sufficient to sanction the proposition eventually, the consent of two-thirds of both Houses being necessary, the Committee rose and reported the resolution to the House.

Mr. Pickering, of Massachusetts, proposed further amendments; when the whole subject was laid on the table.

Monday, December 23.

Two other members, to wit: from North Carolina, William H. Murfree, and from Georgia, Wilson Lumpkin, appeared and took their seats.

Mr. Tucker, of Virginia, from the Committee on the District of Columbia, reported a bill to incorporate the Bank of the Metropolis; which was twice read and committed.

Mr. Taylor, of New York, from the Committee of Elections, reported the sufficiency of the credentials of the following new members who have taken their seats: W. P. Maclay, of Pennsylvania; Thomas M. Nelson, and John Tyler, of Virginia.

On motion of Mr. Chappell, the Committee on Pensions and Revolutionary Claims were instructed to inquire into the expediency of repealing the several laws which bar from settlement and payment the claims against the Government, denominated,

Loan office certificates,
Indents for interest on the public debt,
Final settlement certificates,
Commissioner's certificates,
Army commissioner's certificates,
Credits given in lieu of Army certificates cancelled,
Credits for the pay of the Army for which no certificates were issued, and
Invalid pensions.

The following Message was received from the President of the United States:

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the 6th instant, I transmit to them the proceedings of the Commissioner appointed under the act "to authorize the payment for property lost, captured, or destroyed by the enemy, while in the military service of the United States, and for other purposes," as reported by the Commissioner to the Department of War.

JAMES MADISON.

December 21, 1816.

Some rather desultory debate took place on a motion of Mr. Johnson, of Kentucky, to have the report printed for the use of the House; which was objected to by some as being wholly unnecessary; and by others advocated, not only as being necessary, but as being almost a matter of course. The debate ultimated in a decision in favor of printing the report.

Mr. Taul, of Kentucky, then moved to discharge the committee of investigation, into this subject, from its further consideration, with a view to bring the subject generally before the House; which motion was negatived.

Mr. Wilde, of Georgia, moved to take up the bill for the establishment of a National University; and Mr. Johnson, of Kentucky, called up one of the bills reported by the Military Committee. Both motions were negatived.

Mr. Forsyth, of Georgia, from the Commit-

tee on Foreign Relations, reported the following bill:

An Act concerning the navigation of the United States.

Be it enacted, &c., That, after the —— day of —— no goods, wares, or merchandise, shall be imported into the United States, from any foreign port or place, except in vessels of the United States, or in such foreign vessels as truly and wholly belong to the citizens or subjects of that country of which the goods are the growth, production or manufacture; or from which such goods, wares, or merchandise can only be, or most usually are, first shipped for transportation: *Provided, nevertheless*, That this act shall not extend to the vessels of any foreign nation which has not adopted, and which shall not adopt a similar regulation of commerce.

SEC. 2. *And be it further enacted*, That all goods, wares, or merchandise, imported into the United States, contrary to the true intent and meaning of this act, and the ship or vessel wherein the same shall be imported, together with her cargo, tackle, apparel, and furniture, shall be forfeited to the United States; and such goods, wares, or merchandise, ship, or vessel, and cargo, shall be liable to be seized, prosecuted and condemned, in like manner, and under the same regulations, restrictions, and provisions, as have been heretofore established for the recovery, collection, distribution, and remission of forfeitures to the United States, by the several revenue laws.

Mr. FORSYTH, from the same committee, also reported a bill supplementary to the act regulating the duties on imports and tonnage, passed 27th of April 1816.

These two bills were twice read and referred to a Committee of the Whole.

SUPREME COURT.

Mr. HUGH NELSON, of Virginia, from the Committee on the Judiciary, reported a bill to provide for the publication of the decisions of the Supreme Court of the United States. [To pay a salary to the Reporter appointed by the Court, provided the decisions of the Court should be published within six months after the adjournment of the Court, and a certain number of copies thereof delivered to the office of State.] The bill was committed.

Mr. NELSON, from the same committee, reported the following bill:

A bill authorizing the appointment of Circuit Judges, and for other purposes.

Be it enacted &c., That, from and after the —— day of —— next, the Chief Justice and Associate Justices of the Supreme Court of the United States shall cease to be Judges of the Circuit Courts of the United States.

SEC. 2. *And be it further enacted*, That, from and after the —— day of —— next, in lieu of the term now established by law, the Supreme Court of the United States shall be holden at the Seat of Government on the first Monday of December of every year.

SEC. 3. *And be it further enacted*, That, in lieu of the present Circuit Courts, there shall be appointed and commissioned by the President of the United States, a Judge to be called a Circuit Judge, who shall, together with the District Judge, hold the circuit courts in the respective districts within his circuit and who shall have and possess all the rights, powers, authority, and perform the duties which by law now devolve upon or may be executed by the Justices of the Supreme Courts, as Judges of the Circuit Courts, within their respective circuits. And each of the said Circuit Judges shall receive, as an annual salary or compensation for his services during his continuance in office, the sum of —— dollars, payable quarter-yearly at the Treasury of the United States.

The bill was twice read and committed.

NEW STATE PROPOSED.

Mr. LATTIMORE, from the select committee appointed on the 9th instant, on the memorial of the Legislature of the Mississippi Territory, praying for admission into the Union as a State, made a detailed report, which was read; when Mr. L. reported a bill to enable the people of the Mississippi Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States; which was read twice and committed to a Committee of the Whole on Thursday next. The report is as follows:

The Mississippi Territory contains, according to a census lately taken under an act of the Legislature, and furnished by the Secretary of the said Territory, 75,512 souls; of whom 45,085 are free white persons, 356 free people of color, and 30,061 slaves. By the articles of agreement between the United States and the State of Georgia, it is stipulated that this Territory shall be admitted into the Union as a State when it shall contain 60,000 free inhabitants, or at an earlier period if Congress shall deem it expedient. Hence, it appears that its admission at this time depends, not upon the claim derived from the above-mentioned agreement with Georgia, but upon a liberal policy on the part of the United States. It would seem to be superfluous in your committee to recommend that considerations of a deficiency of numbers be waived in this case, seeing that the House of Representatives have passed three bills, at different periods, for the admission of this Territory, when its population was much smaller than it is at this time.

But it becomes a question whether the object of the memorialists can be ultimately attained, or ought to be attained, in the way in which it is asked. It will be readily perceived that your committee allude to the objection to the extent of the Territory in question, which the memorialists pray may be embraced within the limits of a single State. Whether such a measure might, in any possible contingency, affect the general interest of the Union, it is possible that a difference of sentiment may exist. Your committee presume that it is not required of them to discuss this question, as it is one on which every member of the House will form an opinion for himself. They will, however, beg leave barely to remark, that they cannot believe a State of such unprecedented magnitude as the one contemplated by the memorialists can be desirable to any section of the United States. In relation to the interest of the Territory itself, it may be more within the province of your committee to give their opinion, with the facts upon which it is formed.

It is deemed unnecessary to calculate how many square miles, or how many millions of acres, the Mississippi Territory contains, as its size is sufficiently apparent from a mere glance at the map. But there

are other circumstances of a local nature which are not so obvious to the House, and which, therefore, the committee will proceed to state.

There are in this Territory three principal settlements, which lie, as to their relative positions, somewhat in a triangular form, viz: one, immediately below the thirty-fifth degree of latitude, on the Tennessee river; another, immediately above the thirty-first degree, on the Mississippi; and the other, also immediately above the thirty-first degree, on the Mobile. From the settlement on the Tennessee to that on the Mississippi, the distance is about four hundred miles, all of which is a wilderness, excepting so far as it is settled by the Chickasaw and Choctaw Indians, by whom these immense regions are claimed. From the settlement on the Mississippi to that on the Mobile, the distance is nearly three hundred miles. Here the Indian claim is extinguished; but the intermediate settlements from Pearl river, eastwardly, are insulated and of small extent. From the settlement on the Mobile to that on the Tennessee, the distance is about three hundred miles also; and here, too, the Indian claims are now extinguished to the whole of this extensive and interesting tract of country, which will, no doubt, soon exhibit a flourishing settlement, extending from the Tennessee river to the Gulf of Mexico. Between the Tennessee and the Mississippi settlements, and between the Mississippi and the Mobile settlements, there is not, and probably never will be, any commercial intercourse whatever; but between the Mobile and the Tennessee settlements, such an intercourse cannot fail to take place when the intervening country shall be settled, and its fine navigable streams explored and improved.

The whole Mississippi Territory formed into a single State would not only be very inconvenient to a vast majority of those of its inhabitants whose duty or interest might call them to the Seat of Government, but would also prove, in the opinion of your committee, too extensive for its Executive to suppress internal disorders in all parts, and repel external invasions at all points, with necessary promptness, energy, and effect. But another objection to an entire admission of the Territory arises from the want of a continuity of settlement and a reciprocity of interest between its distant parts. The former of these defects might, perhaps, be merely inconvenient; but the latter could not fail to be a permanent source of real evil to the legislative councils of the country, and, of consequence, to the community at large. Your committee need not express their apprehensions in detail, as the House will readily conceive how naturally jealousies would arise, and collisions ensue, amongst the representatives of a people inhabiting different regions, having distinct local interests, and entertaining opposite views. There is much cause to fear that, in such a state of things, sectional feelings would prevail over principles of justice, and local policy over the general good.

From the above view of the subject, your committee are of opinion that the Mississippi Territory should be divided by a north and south line, for the purpose of erecting the same into two separate and independent States. In proposing this measure, they feel no little reluctance in doing it, in opposition to the wishes of a great portion of the people of the Territory; and this reluctance would be more difficult to overcome, but for the consideration that there is, on the other hand, a great portion also of the same people who are in favor of the measure proposed. This is, probably, a question on which these people would never agree amongst themselves; and hence the necessity of the parental interposition of the General Government to decide it for them in such a way as may be best adapted to their local interests, and not incompatible with the interest of the United States. But, in recommending a division of this Territory, your committee beg leave to suggest such a plan of division as will not probably retard the admission of either part beyond the period at which its inhabitants would be entitled to a State government, in virtue of the agreement between the United States and the State of Georgia.

As there is already west of the line of division which will be proposed a population that would be entitled to one Representative in Congress, on the federal principle of representation, and according to the present apportionment, your committee respectfully recommend the immediate admission of this western part of the Territory, and the establishment of a separate Territorial Government for the eastern part, until it also may be entitled, on the same principle, to the rights of a State.

With respect to the line of division, it is natural that the citizens of the Territory should, according to their respective local situations, entertain a variety of conflicting opinions, and cherish a diversity of opposite hopes. It was a question of some difficulty with your committee; and their decision is the result of a disposition to do equal justice to the present inhabitants, to provide for the convenience of future settlers, and to promote the interest of the whole. The line which the committee propose for the consideration of the House is designated in the two bills which they have prepared for the purposes herein recommended, and which they ask leave to report.

Census of Mississippi Territory.

Counties.	Free white persons.	Free people of color.	Slaves.
Adams	3,608	129	6,394
Wilkinson	3,218	2	4,057
Amite	3,365	19	1,694
Jefferson	2,531	–	2,377
Claiborne	1,716	23	1,790
Warren	801	14	768
Franklin	1,701	4	1,013
Pike	2,078	1	539
Lawrence	1,367	–	417
Marion	1,015	–	686
Greene	1,357	–	388
Wayne	1,566	1	517
Hancock, (supposed)	666	–	334
Jackson	714	42	255
Madison	10,000	–	4,200
Clarke	2,767	16	1,334
Washington	1,888	–	671
Monroe	3,625	72	1,609
Baldwin	436	43	684
Mobile, (supposed)	666	–	334
Total	45,085	366	30,061

Mr. Lattimore also reported a bill to establish a separate Territorial government for the eastern part of the Mississippi Territory; which was read twice and committed to the Committee of the Whole last appointed.

INTERNAL IMPROVEMENT.

Mr. CALHOUN, of South Carolina, from the committee to whom the subject was referred, reported the following bill:

A Bill to set apart and pledge, as a permanent fund for internal improvements, the bonus of the National Bank, and the United States share of its dividends.

Be it enacted, &c., That the United States' share of the dividends of the National Bank, and the bonus for its charter, be and the same are hereby set apart and permanently pledged as a fund for constructing roads and canals; and that it be subject to such specific appropriations, in that respect, as Congress may hereafter make.

SEC. 2. *And be it further enacted,* That the said fund be put under the care of the Secretary of the Treasury for the time being; and that it shall be his duty, unless otherwise directed, to vest the said dividends, if not specifically appropriated by Congress, in the stock of the United States; which stock shall accrue to, and is hereby constituted a part of said fund for constructing of roads and canals.

SEC. 3. *And be it further enacted,* That it shall also be the duty of the said Secretary, unless otherwise directed, to vest the bonus for the charter of the said bank, as it may fall due, in the stock of the United States; and also to lay before Congress, at their annual session, the condition of the said fund.

The bill was twice read and committed.

VACCINATION.

The House then, on motion of Mr. CONDICT, of New Jersey, resolved itself into a Committee of the Whole, on the bill further to encourage vaccination.

[The bill prescribes certain duties to be performed by the agent for vaccination, such as furnishing matter and instructions to the Army and Navy, and annually to every post office in the United States; and provides that the agent shall for his services receive a salary from the Government.]

The bill passed on without debate, until that part of the bill came under consideration, which designates the amount of the salary to be allowed to the agent.

Mr. CONDICT moved to fix the salary at $2,000; Mr. HAHN, of Pennsylvania, moved $1,500; and Mr. ROSS, of Pennsylvania, 1,000.

The question having been taken on $2,000 was decided in the negative.

Messrs. COMSTOCK, of New York, WOODWARD, of South Carolina, CONDICT, and SOUTHARD, of New Jersey, supported $1,500, at some length, by arguments having reference to the labor and great importance of the services required; and Mr. ROSS, of Pennsylvania, opposed it, on the ground of its being more than sufficient compensation for an officer who could at the same time pursue his own profession. Mr. TAYLOR, of New York, also supported $1,500, in a decided speech, grounded on the incessant care and labor, and arduous duties, to be devolved on this officer.

Mr. TAYLOR moved to fix the salary at $1,800. This motion was negatived by a small majority.

The question was taken on $1,500, and decided in the affirmative.

Mr. CONDICT, of New Jersey, then moved to amend the bill so as to add an allowance "for stationery and printing, provided the same do not exceed one hundred and fifty dollars." Negatived.

After some further proceedings, the committee rose and reported the bill to the House; and it was ordered to be engrossed for a third reading.

TUESDAY, December 24.

On motion of Mr. HARRISON, the Committee on Commerce and Manufactures were instructed to inquire into the expediency of making provision, by law, to authorize the importers of any goods, wares, and merchandise, brought from any foreign port or place into the port of New Orleans, and destined for Cincinnati, in the State of Ohio, to give bond for the payment of the duties on such goods, wares, and merchandise, made payable to the collector to be appointed at Cincinnati; which bonds shall specify the usual terms of credit, to commence from the time of arrival, on delivery of such merchandise at that place; and that the committee have leave to report by bill or otherwise.

The House resolved itself into a Committee of the Whole, on the bill for the relief of Henry Malcolm, to which Committee of the Whole had also been committed, the "bill directing the discharge of John Ricaud from imprisonment," and the "bill directing the discharge of Nathaniel Taft from imprisonment."

The bills were reported without amendment.

The bill first mentioned was ordered to lie upon the table, and the two latter to be engrossed and read the third time on Thursday next.

The bill for the relief of William Haslett, passed through a Committee of the Whole, and was ordered to be engrossed, for a third reading.

Some time was spent in discussing the bill directing the opening a road from Reynoldsburg in Tennessee; and, after it had progressed, on motion of Mr. WEBSTER, after a considerable debate, it was ordered to lie on the table. [Mr. WEBSTER, Mr. CALHOUN, and others, advocated the motion to lay the bill on the table, on the ground that it would be improper to act specially on any particular road, whilst a general bill on the subject was yet likely to pass at the session. By Messrs. MCLEAN, of Kentucky, REYNOLDS, ROBERTSON, and HARDIN, the particular friends of the bill, the motion was strongly opposed, on the ground that the road did not come under the general class of roads and other internal improvements, being one of necessity, no road now existing there, and being indispensable to enable the boatmen from New Orleans, and others to return home by anything like a direct track.]

EDUCATION OF SOLDIERS' ORPHANS.

Mr. ROBERTSON, of Louisiana, rose to propose an inquiry into the expediency of a measure, which, if adopted, would tend to make the institution for military education at West Point more honorable, and perhaps more useful to the nation. He did not mean to enter at all into the course

pursued in regard to that academy, either as it respected the Government or the persons employed: but as the institution exists, he meant to make a proposition, which would render it more creditable to the United States than it is at present, however well managed. If youths were to be educated at the public expense, Mr. R. said he should like to see some rule established by which those should receive this privilege who had some claim to it. He did not wish the institution to be filled by the sons of the influential and the wealthy only.

He should greatly prefer a moderate degree of education, to be equally diffused among all the members of the community, to any excess, in the possession of a few: he would rather that every man in the nation should understand his native language, and a few of the necessary rules of arithmetic, than that literature, of however high degree, should be exclusively possessed by some dozens of persons, scattered over the United States. It appeared to him, that by establishing institutions as now contemplated, we began at the wrong end of society. The erection of such institutions rather shows the ostentation of the Government than its benevolence or wisdom—remarks, however, which, he said, belonged to a question which might arise during the session, but was not now before the House.

On reflecting on the question who were best entitled to notice from their Government, the mind was at once struck with the impression, that there is one class peculiarly entitled to its justice and favor. He alluded to the sons of those who had fallen in the service of their country. Having been thus deprived of their parents, they ought to find in society a father. If any class was entitled to peculiar favor from the country, it was the sons of those who had died in the public service, leaving to their children the inheritance of their bravery and their poverty. It becomes us, said Mr. R., to relieve them from the ignorance and immorality which their situation entails on them, stripped as they are of the essential support which others find in parents who guide and direct their steps. I cannot bear the idea, said Mr. R., that money should be taken from the pockets, even of the indigent, to educate the sons of men of wealth, especially when we find those to whom I have alluded pining in want. I do not know that the sons of the wealthy do fill the academy; I have not inquired, but I hope the fact is not so; that such are not nourished from the public breast, without attention to the claims of others more deserving the public care. Far from me, said he, be the desire to establish any privileged class in this country; before I would consent to do anything so repugnant to my principles, I would forego feelings the most dear to me. He did not consider the motion he was about to make as proposing it; as there was to be no order, no rank, nor anything which could offend the most rigid Republican. Nor did he think that we should run much risk of inducing fathers to shed their blood too freely for the country, that they might have their sons educated by the public; but, on the other hand, said he, let us take from them one of their fears; for they know that, in battle, the ball that deprives them of existence, takes from their sons what is dearer to them, all prospect of education and correct morals. Under these impressions, Mr. R. said, he ventured to propose the following resolution:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of educating, in the Military School at West Point, the sons of all officers, non-commissioned officers, and privates, who have fallen in the late war, fighting the battles of their country.

Mr. Tallmadge, of Connecticut, suggested to the honorable mover the expediency of modifying the terms of his motion, so as that, if more academies should be created, all might stand on the same footing.

To which Mr. Robertson consented; and also, at the suggestion of Mr. Harrison, of Ohio, so modified his motion as to strike out the words "in the late war," so as to make the terms general.

The resolve was then agreed to without opposition.

VACCINATION.

The engrossed bill supplementary to an act for the encouragement of vaccination, was read a third time.

Mr. Ross, of Pennsylvania, required the yeas and nays on the passage of the bill. Although he believed he should himself vote for the bill, he thought it proper that on a bill for the establishment of a salary officer, the people should know who voted for and who against the bill; and he also wished that their constituents should know who were at this time present, and who absent from their seats.

Mr. Cady, of New York, opposed the passage of the bill, as contemplating an interference by the United States in the duty of the States. He had never heard, he said, that the State of New York, or any other State, had been so unmindful of the health of the people, as that Congress ought to take it into their charge. So far as respected the Army and Navy, the United States ought to act on the subject; but, for the rest, it ought to be left to the State Legislatures.

Mr. Tucker, of Virginia, moved that the bill should lie on the table. So far from availing themselves of the opportunity of the House being thin, to take the yeas and nays, to show who were not in their seats, if that consideration operated at all, it should be not to take the yeas and nays but to postpone the decision of the question.

The bill was laid on the table; and the House adjourned to Thursday.

Thursday, December 26.

Mr. King presented a petition of sundry inhabitants of Lincoln county, in the District of Maine, complaining of the advantages enjoyed by British vessels over vessels of the United States, in the commerce carried on between Great Britain and the United States, and praying that such measures may be adopted as will secure to the

shipping interest of this country the advantages to which they conceive it to be entitled, or shall remedy the evils of which they complain.—Referred to the Committee on Foreign Relations.

Mr. TALLMADGE, from the committee appointed on the petition of John Delafield, reported a bill for the relief of John Delafield, which was read twice, and committed to a Committee of the Whole.

A message from the Senate informed the House that the Senate have passed a bill "for the relief of the heirs of Landon Carter," in which they ask the concurrence of this House.

A message was received from the President of the United States recommending to the consideration of Congress the expediency of such further legislative provisions as may be requisite for detaining vessels actually equipped, or in a course of equipment, with a warlike force, within the jurisdiction of the United States; which was read, and referred to the Committee on Foreign Relations.

On motion of Mr. JOHNSON, of Kentucky, the Committee on Military Affairs were directed to inquire into the expediency of authorizing the President of the United States to establish a manufactory of small arms near Newport, in Kentucky, on Licking river.

On motion of Mr. HARRISON, the Committee on Roads and Canals were instructed to inquire into the expediency of granting a sum of money to be expended, under the direction of the President of the United States, in removing the obstruction to the navigation of the Ohio river, created by the falls near Louisville, in Kentucky.

Mr. DESHA submitted the following resolution:

Resolved, As the lands south of Green river, now within the limits of the State of Kentucky, were, by the State of Virginia, set apart for the purpose of satisfying claims for Revolutionary services, and a portion of which lands has since been, by the General Government, ceded by treaty to the Chickasaw tribe of Indians, by which cession many of the Revolutionary patriots have been deprived of the benefit arising from grants obtained for meritorious services; that the President of the United States be requested to take the necessary steps to have the Indian title to the land lying within the limits of the State of Kentucky extinguished as soon as practicable.

Mr. CALHOUN thought, as the resolution was on a subject new, and somewhat local in its nature, it would be better not to decide on it immediately, and moved that it lie on the table.

Mr. HARDIN, also, joined in the hope that the resolution should lie on the table, as it stated facts with which he was before unacquainted, and which required some examination.

Mr. DESHA, after repeating his belief in the necessity and propriety of the resolution, acquiesced in the motion to lay it, at present, on the table; and it was accordingly so ordered.

The bill from the Senate "for the relief of the heirs of Landon Carter," was read twice, and committed to the Committee on Pensions and Revolutionary Claims.

The engrossed bills, directing the discharge of Nathaniel Taft from his imprisonment, and for the discharge of John Ricaud from imprisonment, were severally read the third time, and passed.

The engrossed bill for the relief of William Haslett, was read the third time, when Mr. HARDIN, who was not satisfied of the justice of the relief contemplated, and the chairman of the committee which reported the bill not being in his seat to give the information he desired, moved to lay the bill on the table; and, after some conversation on the subject, between Messrs. HARDIN, LYON, DAVENPORT, and WRIGHT, on the circumstances which brought the petitioner before the House for relief, and the propriety of suspending the immediate passage of the bill, it was laid on the table.

SUPREME COURT REPORTS.

On motion of Mr. TAYLOR, of New York, the House went into Committee of the Whole, on the bill to provide for the regular publication of the decisions of the Supreme Court.

Mr. TAYLOR moved to fill the blank for the salary of the reporter with the sum of one thousand dollars; and supported his motion and the general object of the bill by a short speech.

Mr. HARDIN, of Kentucky, moved to strike out the first section of the bill—in effect to reject it.

This motion, and the preceding one, gave rise to a debate of some length; Messrs. TAYLOR of New York, H. NELSON, and ROOT, in favor of the bill; and Messrs. ROBERTSON, HARDIN, ROSS, and WRIGHT, in opposition to it.

In support of the measure proposed by the bill, was urged the great importance of having correct and early reports of the decisions of a court whose decrees, if not law in themselves, are evidence of the law, and the advantage of a reporter of proper abilities, made responsible for the proper exercise of his duties. This bill, it was strongly urged, would tend to secure a prompt publication of the reports, making the salary contingent on the delivery of a certain number of copies of the reports of each term, within six months after the decisions of the court were pronounced; and that it would also secure fidelity in the reporter, he being liable to removal by the Supreme Court, for misconduct. Without an inducement like that proposed by the bill, fears were expressed that no reports would be published; and the example of some of the States was quoted, who had deemed the publication of the decisions of their Supreme Courts, so important as to give to men properly qualified, even a greater compensation than was proposed to be given to a reporter of the decisions of a higher court.

On the other hand, the value of correct reports of the decisions of the Supreme Court was generally admitted; though Mr. ROBERTSON was opposed to any act which should sanction the idea of their having a permanent effect over other law, or make their construction of laws binding on their successors and on other authorities. It was generally urged, in opposition to the bill, that

no necessity existed for creating a salary officer for this purpose; that the reports had been heretofore published without a salary, and would, if promptly published, afford emolument enough to secure the attention of adequate talents to that object; that, to pass such a bill, would be to give a monopoly of a privilege, (that of reporting the proceedings of the Court,) which ought to be free to all. As to the State courts, it was said, a salary reporter might be necessary, since the demand for the reports, limited to the State, would be necessarily small, though their publication was highly important to a correct administration of justice; but that, in regard to the decisions of the Supreme Court, whose effect pervaded the Union, the case was otherwise; and there could be no doubt but the publication would afford sufficient emolument, unaided by a salary, from the extensive sale of the reports.

To the latter argument it was rejoined, that though the decisions of the Supreme Court of the United States were more general in their effect than those of the State courts, they were more limited in their scope; limited pretty much to questions of national law, or general law, of which few even of eminent legal men had occasion to avail themselves in practice.

The question on the striking out of the section was decided in the affirmative, by a vote of 76 to about 40.

The Committee rose and reported their decision; which was concurred in by the House, (the call of Mr. Root for the yeas and nays having been refused,) by about the same vote. The bill is therefore rejected.

Friday, December 27.

Two other members, to wit: from the State of New York, Thomas R. Gold and Moss Kent, appeared and took their seats.

Mr. Cannon submitted the following resolution, which was read, and ordered to lie on the table:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of laying off and establishing a separate surveyor's district within the Mississippi Territory, adjoining the Southern boundary of the State of Tennessee, and including the late purchases made from the Cherokee and Chickasaw Indians, and to provide for the appointment of a principal surveyor for the said district; also, a register and receiver of public moneys; and make such further provision as may be necessary to have the lands within the same, to which the Indian title has been extinguished, surveyed, and offered for sale, as soon as it is practicable.

On motion of Mr. Taylor, of New York, the Committee on Military Affairs was instructed to inquire into the expediency of so amending the act, making further provision for military services during the late war, and for other purposes, passed April 6, 1816, as to require a relinquishment of land bounty on the part of the heirs and representatives of volunteers, enlisted under the act authorizing the President of the United States to accept and organize certain volunteer military corps, passed February 6, 1812, previous to placing the widows or children of said volunteers upon the pension list, under the first-mentioned act.

Mr. Kerr submitted the following motion for consideration:

Resolved, That the Committee on Military Affairs be instructed to inquire into the propriety of passing a law, authorizing the soldiers of the army to transfer their claims to bounty land before the patents are issued.

On this resolution, some discussion took place, in which Messrs. Kerr, Harrison, Hulbert, Wright, Parris, Smith of Maryland, and Johnson of Kentucky, took part. The motion was finally withdrawn by the mover, in consequence of his discovering that the Senate had asked of the Executive information on this subject, and that it was already comprehended in a general reference to a committee of this House. Mr. Kerr intimated that he should hereafter urge his motion, if the subject was not brought before the House for decision, by a committee, or in some other shape.

Mr. Thomas, of Tennessee, offered the following resolution:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of appropriating twenty thousand dollars for the improvement of the navigation of the Muscle Shoals, in the Mississippi Territory.

The House agreed to consider the motion; and on the question of adopting the resolution, it was, without debate, decided in the negative. So it was rejected.

PAYMENT FOR LOST PROPERTY.

The House, on motion of Mr. Hardin, resolved itself into a Committee of the Whole, on the bill to amend the act of last session, authorizing the payment for property lost, captured, or destroyed in the military service, during the late war.

The first section of the bill having been read, which goes to repeal certain sections of the former act—

Mr. Clark, of New York, moved to strike out therefrom the word *ninth*, so as to retain the section of the law (proposed to be stricken out) authorizing payment for houses destroyed by the enemy, in consequence of their occupation as places of military deposite.

Mr. Hardin stated that the motive which induced the committee to recommend the striking out of that section, did not proceed from an objection to the satisfaction of such claims, but to the decision thereon being placed at the disposal of one commissioner, or officer of any description. It was the opinion of the Committee that such claims ought to pass specially before Congress. Nine-tenths of the aggregate amount of money paid under the awards of the Commissioner of Claims, had been under the ninth section of the act. There were claims in the Commissioner's office, coming under that section of the act, yet undecided on, to the amount of some-

thing like half a million of dollars. This was a sum too large to be allowed to claimants but by special acts of Congress, certainly too large to be subjected to the decision of one man, whose award was decisive, fixed, and unalterable.

Mr. BETTS, of New York, moved that the Committee should rise. The report of the Commissioner had been laid on the table from the printer's only this morning, and he had had no opportunity to examine it. The House might, perhaps, after a perusal of the report and documents, not be disposed to amend the act at all. They certainly ought to understand the subject before they acted on it.

Mr. HARDIN trusted, he said, that the Committee would not rise. The decisions of the Commissioner had been suspended on every section of the act in question, and could not be resumed until Congress should act on the subject. As to the document the gentleman had spoken of, it was, Mr. H. said, nothing more than an elementary treatise, drawn up by Mr. Lee, or somebody else for him, which he suspected was the fact—a learned treatise on the construction of statutes. Mr. H. said he had rather be moving some way or other on this subject, even if wrongly, than that the act should be kept wholly in suspense.

Mr. DESHA, of Kentucky, was in favor of the Committee's rising, and was proceeding to assign his reasons—

When the Chairman said, the nature of the question (on the Committee's rising) precluded debate, except on that point.

The question on the Committee's rising was determined in the negative—68 to 53.

The question recurred on Mr. CLARK'S motion for striking out the word "ninth."

Mr. ROBERTSON, of Louisiana, spoke in favor of the motion. Those who had claims in his part of the country, under the act passed at the last session, had prepared the evidence in support of them, in the manner pointed out by the Commissioner; and only yesterday an agent, sent on by them with these claims, arrived in this city. Why, Mr. R. asked, should a different measure of justice be afforded to citizens in different sections of the country? Why should his constituents, by a repeal of this section of the act, be deprived of the advantages of which others nearer the Seat of Government had availed themselves? Or why should claims of one description continue to be paid, while claims of another sort, depending on the same principle, were to be dragged before the House? The numerous applications for indemnification for losses had made it necessary to appoint a Commissioner to decide on them; and claims for lost horses, teams, &c., were still to be subject to summary decision; while claims equally just, resting on the same principle, because they differed in amount, were to come before this House, and if they were obliged to do so, they would be subjected to great loss, and encounter much delay and further expense. And, he said, when gentlemen from the Western country should have gotten their claims settled before the Commissioner or other officer, whatever the liberality and fairness with which they generally act, for which he gave them credit, there would not be the same inducement to pay claims for other property; and he ventured to say, if the claims for houses burnt belonged to that section of the country, the House would never have heard of one mode of paying for claims of one character, and another mode for other claims depending on the same principle. Mr. R. said he had thought it necessary, representing alone on this floor a particular section of the country, to oppose the attempt to place those who have suffered losses in that quarter, in an infinitely worse situation than that in which they now stood. What would be the impression made on the minds of those people when they found property in one part of the country paid for, and the same payment refused to them? It would be, that there was an attention to the interests of those near the Seat of Government, and of those numerously represented, which those otherwise situated need not look for. He hoped the ninth section would not be repealed. If the Commissioner was not a fit person to decide on the claims, and of his fitness he did not know, and therefore would not say anything—let another be selected. It was peculiarly ungracious at this moment to shut the door against his constituents, Mr. R. said, and to decide that this section of the act having answered particular purposes, it was unnecessary to continue it longer. As to throwing the claimants on Congress, every one could see the difficulty of obtaining attention to minute claims, and the small prospect which the claimants must have of obtaining that deliberate consideration of their claims which justice requires.

Mr. WRIGHT, of Maryland, believed the old law ought to remain unaltered, unless by the addition of two Commissioners to the one already appointed. The Congress had, in a particular case, appointed three Commissioners to decide on the merit of claims not more difficult, nor perhaps more important, than those confided by the act of last session to one Commissioner—he meant the Yazoo claims. The idea of a single Commissioner had been objected to in the Senate at the last session; they desired three Commissioners. This House decided in favor of one. And why now undo that which was last year so deliberately done? Would any man here say that houses burnt by the enemy, because in military possession or occupation, ought not to be paid for? A man might blush for his country, if such an opinion were recorded as its act. If we cross the Canada line, he said, we find that Government making payment for losses of every description sustained by its citizens. The proposition to repeal the ninth section of the act of last session, Mr. W. said, contemplated injustice to the small States. How did they now stand in this respect? The gentleman from Louisiana was the single Representative of a part of the country which had in this respect greatly suffered. Look at the proceedings of every day, Mr. W. said, and injustice to the small States would appear in the votes of the House. He

protested *totis viribus* against it. If there was any fault in regard to the law of last session—and he did not say there was—it was in the selection of a man for Commissioner who wanted judgment; for he never heard him even suspected of a disposition to do otherwise than right. If the records now in possession of this House were temperately examined, Mr. W. said he believed they would present a very different view of this matter from that which gentlemen had hastily taken up. Let us appoint two additional Commissioners, said he, and that will be a sufficient amendment to the law. There were, he said, many cases waiting now, which ought to be paid; which this House had said ought to be paid, which it was now desired they should unsay, and leave the decisions on the claims to a body, the members of which, to say the least of it, respected their own constituents much more than they did others. He knew it to be so, he said; he had seen it every day; and no gentleman would rise and say that they were not more ready to attend to the wants of their constituents than to those of a distant region. Mr. W. said he was not prepared to denounce the present Commissioner, or legislate him out of office. Let him be heard; let his acts be examined before they are judged. As to reference of claims coming under the ninth section to this House, Mr. W. said it was impossible they could be fully examined here; and, if they could, it would be vastly more expensive, one day's sitting of this House costing the nation as much as a year's salary of a Commissioner. Mr. W. complained that his constituents, who were exposed by their situations, who did not live beyond the mountains, who fought at the water's edge, and had their vessels and houses burnt, were to be deprived of the benefits of the provisions of a law, which Congress had at the last session solemnly decided to be proper and right to be applied to their case. He hoped the House would confirm now what they had done at the last session, and not repeal a law because its provisions had, in the execution of it, been more widely extended than was thought proper. But, Mr. W. said, he did not believe there had in this case been as great a clamor against Mr. Lee's construction of the law, as there had been against that of Chief Justice Marshall in the case of Aaron Burr. He hoped the House would make short work of it, and reject this bill. Mr. W. went on to state his opinion that the conduct of the Government in regard to individual losses by the war ought to be graduated by the most liberal principles, and that all property ought to be paid for destroyed by the enemy in consequence of the presence of military force. On the exposed Atlantic frontier, in many cases houses had been destroyed by the enemy because occupied by the militia, sometimes with and sometimes without the owner's consent. Would gentlemen arrest the payment of such claims, or throw them on the benignity of this House, after they had been paid for their horses? He should move an amendment, he said, at the proper time, to appoint two additional Commissioners, with an appeal, if the House choose, in doubtful cases, to any body vested with appellate jurisdiction, even if it were the Supreme Court.

Mr. HARRISON, of Ohio, assured the gentleman from Maryland that he, though from the West, was as much opposed to the bill as the gentleman himself could be; and he begged the gentleman from Maryland to believe that there were some gentlemen in the West, as willing to provide for the payment for burnt houses as for lost horses—who made no distinction between the losses of different sections in a common cause. Mr. H. wished to strike out the whole bill, and to propose a substitute, which, not expecting the bill to be called up to-day, since the documents were only just laid on the table, he had not time to prepare. If the Committee would rise, he could prepare one.

Mr. JOHNSON, of Kentucky, rose to propose an amendment to the bill which he had prepared. He did not mean now to enter into a discussion, in which, if such should arise on this subject, he should think it his duty to take up a small portion of the time of the House, but not at this hour of the day, or at this time of the week. He could show, when it became necessary, that, so far from any occasion to amend the law, unless to extend its provisions, the English language could not make the law more definite, or embrace more distinctly principles which have been solemnly sanctioned by this House, and he was certain would be by this nation—principles which no American Congress would ever refuse to sanction. For the present, he should content himself with submitting his proposition, convinced that all would be satisfied, and even the Commissioner himself, with a subjection of his decisions, besides the general control of the Executive, to the revision of one of the Heads of Departments. Independent of other considerations, he said, a strong reason against the abolition of the office of Commissioner was, the time it would take to organize and put in motion a new office, new books, &c. The present Commissioner knew the views of the Executive, and would not only be as adequate, but more prompt than any other individual who could be selected, &c. Mr. J. then submitted his motion to strike the whole of the bill from the enacting clause, and in lieu thereof to insert the following:

"That in all cases arising under the provisions of an act, entitled 'An act authorizing the payment for property lost or destroyed by the enemy while in the military service of the United States, and for other purposes,' the decisions of the Commissioner shall be revised and sanctioned by the Secretary of the Treasury; without which sanction, no money shall be drawn from the Treasury of the United States to satisfy any such claims; and at the next session of Congress, the said Secretary shall make report of such cases as may not be embraced by said act, but which, in his opinion, should be provided for by law."

On motion of Mr. HARRISON, the Committee then rose, reported progress, and obtained leave to sit again; and Mr. JOHNSON's amendment was ordered to be printed.

MONDAY, December 30.

Another member, to wit: from the State of New Hampshire, BRADBURY CILLEY, appeared, and took his seat.

The SPEAKER presented a petition of the Legislature of the Mississippi Territory, praying that the said Territory may be erected into a State government, and admitted into the Union on an equal footing with the original States.

Mr. LATTIMORE presented a petition from sundry members of the Legislature of the said Territory, praying that the Territory may be divided into two equal parts, and that the western section may be erected into a State government, and admitted into the Union on an equal footing with the original States.—Referred to the Committee of the whole House, on the bill to enable the people of the western part of the Mississippi Territory to form a constitution and State government.

Mr. SCOTT presented sundry resolutions adopted bp the Legislature of the Territory of Missouri, requesting Congress to adopt some more enlarged and liberal principle respecting the confirmation of land titles in the said Territory; to extend the time allowed for recording land titles; to establish two additional land offices for the sale of public lands; and that the right of pre-emption in the purchase of public lands in said Territory may be extended.—Referred to the Committee on the Public Lands.

Mr. CONDICT, from the Committee on Revisal and Unfinished Business, reported in part a list of thirty-seven bills, remaining unfinished at the close of the last session, in various stages of progress.

Mr. TUCKER, from the Committee on the District of Columbia, reported a bill to incorporate the subscribers to the Franklin Bank of Alexandria, (now called the Real Estate Bank,) and for other purposes; which was twice read, and committed.

Mr. PLEASANTS, from the Committee on Naval Affairs, made a detailed report on the petition of Thomas J. Allen, representative of William H. Allen, late commander of the United States' brig Argus, and the surviving officers and crew of that vessel, &c., concluding with a resolution unfavorable to the petitioners. The report and resolution were, on motion of Mr. SMITH, of Maryland, ordered to lie on the table, and be printed.

On motion of Mr. H. NELSON, a committee was appointed to inquire into the expediency of further extending the time for locating Virginia military land warrants, and for returning the surveys thereon to the General Land Office; and also of further extending the time to complete the surveys, and obtain the patents for lands located under Virginia resolution warrants; with leave to report by bill or otherwise. And Mr. H. NELSON, Mr. CREIGHTON, Mr. THOMAS, Mr. DICKENS, and Mr. SHEFFEY, were appointed the committee.

On motion of Mr. THOMAS, the Committee on the Public Lands were instructed to inquire into the expediency of adopting such restrictions as will be calculated to prevent the formation of companies to monopolize the public lands in the Mississippi Territory.

TRANSFER OF APPROPRIATIONS.

Mr. CALHOUN offered for consideration the following resolution:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of repealing so much of an act, entitled "An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments," passed the 3d of March, 1809, as authorizes the President of the United States to transfer appropriations.

Mr. C. supported the propriety of his motion by remarking briefly on the evils—great evils, he said—which resulted to the public interests from the practice, particularly in the War Department, of permitting funds to be diverted from one object of appropriation and applied to another. He urged the necessity of applying a remedy, and that was to compel in the Departments a rigid adherence to specific appropriations.

After some observations from Messrs. JOHNSON of Kentucky, SMITH of Maryland, LOWNDES, and PICKERING, respectively, principally explanatory of the present and former practice of the Departments, but generally acquiescing in the propriety of inquiry—the resolution was agreed to.

PAYMENT FOR LOST PROPERTY.

The House went into Committee of the Whole, on the bill to amend the act for authorizing payment for property lost, captured, or destroyed, in the military service of the United States. The question being on Mr. JOHNSON's motion, to amend the bill so as to continue the law as it stands, subjecting the decisions of the Commissioner to the revision of the Secretary of the Treasury:

Mr. YANCEY, of North Carolina, after drawing a comparison between the bill and the amendment, contended that it was indispensable, in his opinion, that the 9th section of the act in question, should be repealed.* The claims under it, he said, were of great magnitude; and how easy would it be for claimants, with large claims, as soon as they ascertained what sort of evidence was wanting, to procure this evidence. Was it not better, was it not safer, he asked, that such claims should be specially submitted to the consideration of the Congress of the United States, than to the decision of any single individual? On that ground, and on that alone, he said he was clearly in favor of repealing the 9th section of the bill. He would not advert, at this moment, to several cases to

* As this section is the principal bone of contention, it is thought proper to bring its terms partially to the reader's recollection, as follows:

"SEC. 9. *And be it further enacted*, That any person who, in the time aforesaid, has sustained damage by the destruction of his or her house or building by the enemy, while the same was occupied as a military deposite, under the authority of an officer or agent of the United States, shall be allowed and paid the amount of such damage: *Provided*, It shall appear that such occupation was the cause of its destruction."

show with what facility testimony can be procured, when it was known what sort of testimony would answer the purposes of the claimants. A commissioner, he said, might not feel himself authorized to inquire into the credibility of testimony in the same manner as Congress would. As to the allegation made of the indisposition of Congress to examine and pass claims, Mr. Y. said, he would not entertain the idea that Congress would not authorize the payment of proper claims. It would be safer, he concluded by saying, to vest the management of this business in the hands of Congress, than in those of any set of officers whatever.

Mr. Johnson, of Kentucky, said, that without attributing to this House any dereliction of duty, he must persist in his opinion, that any class of claims might be more properly confided to a judicial tribunal than to the Congress of the United States. If the House was, from its constitution, unable, properly, to sift one claim, how could they properly examine and decide on many? Congress never act (except in cases of exception) in a judicial character. What, said he, one hundred and eighty individuals act as a judicial body, to determine the force, and validity of testimony in numerous cases! The thing was impracticable. In relation to the impression which had gone abroad in regard to claims under the act of last session, one would suppose, Mr. J. said, that the Treasury was to be exhausted by them; that the wealth of the Indies would not satisfy the demands on the Treasury. What was the amount of claims likely to be paid, which had created this alarm? He would venture to say that the aggregate amount that would be paid, would not exceed a million of dollars. Was it to have been expected, he asked, that we should pass through a war of two years and eight months, in which every description of force was employed against a powerful enemy, with a less cost than that for just claims of this description? Under the most liberal construction of the act, embracing the cases of losses on the Niagara frontier, on the bosom of the Chesapeake, at New Orleans, the whole amount would not be a million and a half of dollars. Congress had solemnly declared, by their act, that certain cases of losses should be paid for; and what was it now proposed to do? To repeal the act—to violate the promise. His friend from Maryland was mistaken, Mr. J. said, in supposing that the horse cases had been all passed; and he was equally so in supposing that he (Mr. J.) or any of his colleagues, if those claims had been satisfied, would deprive that gentleman's constituents of just indemnity for their losses. He felt no alarm, he said, at the prospect of payment of all such claims as were properly supported. He was willing that the present Commissioner should act under the Secretary of the Treasury; and the present Secretary was the same person who, in the Department of War, had limited the construction of the 9th section of the act; so that he presumed gentlemen who favored a rigid construction of the law, could not object to his agency being employed. As to referring claimants to this House, Mr. J. said, we know, when a case of the least importance is before us, how difficult it is to obtain a hearing in this House. Who, indeed, examined as they ought the claims presented to this House? Would any gentleman consult his conscience, and say, that amidst the other duties of his station, he could do justice to the cases presented to him? If there was one who would undertake it, Mr. J. said he should be glad to see that member. And what were the class of cases which were to be placed on this precarious fate, because they ought to be trusted to this House only? They were not donations—the allowance of them was no act of charity, scarcely of liberality. They rested on the principle that the property destroyed was in the military service or occupation of the United States, without any participation of the owner in its loss or destruction, and without any act of omission or commission on his part giving rise to it. The claims rested on the eternal principles of justice—one of which was, that individual property destroyed, through the agency of the Government, ought to be paid for. And shall we, said he, because there has been an alarm excited about two or three cases, prostrate that principle, the recognition of which has been the cause of so much credit to the present Congress? He was very happy, he said, that no gentleman had contended that the cases provided for in the act of last session ought not to be paid. As to the horse claims, as they were called, he was glad also that their justice was not questioned. The whole amount of claims from the Western country under that act, he said, was less than a hundred thousand dollars; and who would begrudge the payment of that amount to those who had lost their property, under the circumstances of no fault on their part, &c.? To their honor among generations yet unborn, Congress had agreed to reimburse such losses; he hoped they would not refuse to extend the same principle to those who had lost their houses, because the amount of such claims was larger. The amount, he said, ought not to prevent the payment of them. There was a sufficient additional security to the Treasury, certainly, when every claim, from one cent to a hundred thousand dollars, was to pass under the revision of the Secretary of the Treasury. Were the gentlemen afraid to trust the President, who had suspended the decisions of the Commissioner, even as to the peppercorn cases, as the gentleman from Virginia (Mr. Randolph) called the horse claims, in consequence of the clamor against the decisions in this District? Has the gentleman confidence in the President, said Mr. J.? So have I. Has he confidence in the Secretary of the Treasury, who, as Secretary of War, gave the very restriction to the Commissioner on which the Committee of Claims bottomed their repealing law? So have I. There was another reason why, Mr. J. said, he was attached to the amendment now before the House. It was because of the clause authorizing the Secretary of the Treasury to report to the House such cases, proper to be paid, as in his opinion did not fall within the law. There were

many such cases which ought to be paid; he knew it, for he had had some such cases confided to his care; and he knew that they would be reported to the House under such a provision, because a sense of justice would compel the Secretary to report them. Mr. J. took this occasion to state, that the suspension of the act by the President had only applied to the payment of the money out of the Treasury, and not to the other part of the Commissioner's duties, who was going on with his decisions as if the law had not been suspended; and, the moment this bill should pass, if amended as proposed, Mr. J. said a number of his awards would be ready to receive the revision of the Secretary of the Treasury, and the payment which should be awarded. His object, Mr. J. said, was not to enlarge the provisions of the act of last session, whatever he might think on the subject; but he wished its present provisions to be carried into full effect, &c.

Mr. Ross, of Pennsylvania, said the question was not now as to the principle of paying for property lost whilst in the service of the United States, but as to the mode of making that payment. For himself, he said, he was averse to judicial conduct on the part of this House, or of both Houses of Congress; considering them totally incompetent to act in that capacity. In the first place, many of the States were deeply interested in the questions to be decided, and the Representatives of those States would probably not be unbiassed in their decisions; and the number of the body was such as to prevent a minute attention to those particularities of evidence on which the merits of many cases must rest. No man, Mr. R. said, even Aristides himself, however just, intelligent, and upright, can decide correctly judicial matters, who receives his information *ex parte*. It was correct, undoubtedly, that he who had his house occupied as a military deposite, and destroyed, should be paid the amount of his loss; but there ought to be evidence on both sides examined; there ought to be a person to produce evidence on the part of the United States, and sift that adduced on the part of the claimant. Mr. R. dwelt on this idea, and illustrated it by a reference to the usual practice before other judicial tribunals. As to the amendment before the House, of what avail, he asked, would be any provision authorizing a revision by the Secretary of the Treasury? The Commissioner has fixed his course of proceedings; is there any reason to believe that the cases which he has heretofore considered within the limits of the act, will hereafter be considered as without it? In any event, however, the United States ought to have an agent representing their interests before the Commissioner—as in the case of settlements under the sixth article of the British treaty, and many other similar cases. It was asking too much of the Commissioner to be at once a party and a judge in the cases before him. He was opposed to the proposed amendment, because he did not see that it would produce the desired effect; though he did not in anywise approve the bill as reported by the Committee of Claims.

Mr. ROBERTSON, of Louisiana, after disclaiming any view, in his former observations, to impute selfish motives to the people of the West, said, that when the question in regard to the operation of the act of last session was first agitated in this House, the only objections offered against it were to the conduct of the officer appointed under the act. What, then, had been his surprise, when a bill had been reported by the Committee of Claims, going to affect the most important principle in the law itself? He could not see the connexion between the bill before the House, which went to act upon the law, and the objections to the person acting under the law. If there were any occasion for additional guards on the execution of the law, the amendatory proposition of his friend from Kentucky would answer every purpose. Mr. R. feared, he said, that enough had already been said to prevent decisions under the act, in consequence of a kind of terror which the officer would feel of encountering the censure of this House. As far, Mr. R. said, as he could judge of the conduct of that officer—as far as he could trace his course—he had seen an extreme solicitude on his part to do what was right, in his applying for advice to the departments, and sometimes getting it; in his applying to the highest law officer of the Government, (the Attorney General,) for his official opinion on the construction of the law—from which opinion he had been precluded, because the law had not required the Attorney General to give it. Mr. R. said, he was not satisfied that the Commissioner had not given the act such a construction as he ought—for it ought to be construed liberally, in his opinion—and it depended on the different views of gentlemen on that point, whether the conduct of the Commissioner should be censured or approved. Individual cases had been mentioned as incorrectly decided. The Commissioner might have acted incautiously, possibly; but, Mr. R. said, for an individual to take the pains that he did to obtain the best advice, and then to decide incautiously, seemed to him extremely improbable.

For his part, Mr. R. went on to say, he was of opinion that, as the war was a common affair, so ought the loss and destruction to have been the common loss. To make it so, would have this good consequence—that those who are secure in the interior would cautiously plunge the nation into war, if they knew that they were equally to bear the loss. So far from making individuals indifferent about the protection of property, because it was to be paid for by the Government, it would operate to produce a general defence of the property, because the community would be interested in its preservation. If it was made the business of the nation to protect property, or pay for its destruction, the more inducements would there be to make the defence of every point complete, and the more correctly would the Government act. There were cases yet omitted to be provided for which ought to be; some of which Mr. R. referred to, such as destruction of property by the authority of officers of the United States in the course of the military operations, &c. The

law of last session, Mr. R. said, was too narrow, instead of being too wide in its principles. He would have gone further; he would have appropriated a certain sum of money, which should have been apportioned and distributed for losses sustained. On what principle, he asked, was the nation called on to give some indemnification to those who had suffered? On the principle that the destruction brought on them was a destruction which, according to the laws of war, the enemy had a right to produce. Suppose the ruin of individuals had been consequent on conduct of the enemy not sanctioned by the laws of war, and that peace had been made without providing for that indemnity which the enemy ought to have paid, did not the nation stand then in the place of the enemy, as to its obligation to indemnify its citizens for losses? Mr. R. thought it did. Other nations, he said, had thought it was their duty to act on that principle. With regard to the destruction of Moscow, that course had been pursued, and more near and more recently in Canada. Such a course was calculated to secure the affections of the people in those countries. And was there, he asked, a Government on earth which must more rely on the attachment of its citizens, or which was more dependent on their good will, than ours?

Mr. R. repeated his opinion, that as far as the Commissioner had acted liberally, he had acted correctly. He did not know that he had in any case acted improperly; according to the view which Mr. R. had taken of the documents, the Commissioner had shown every disposition to act rightly. Suppose, however, all to be true that had been said; that the Commissioner had acted ever so incorrectly; in that view, the amendment moved by the gentleman from Kentucky would cover the case; which amendment he also approved for another reason, that it directed a report to this House of all just claims presented which did not come under the present act.

Mr. TUCKER, of Virginia, said he should vote against the proposition of the gentleman from Kentucky, and in favor of the bill reported by the Committee of Claims. It was not impossible, however, he might be willing to go as far as the gentleman just sat down in compensating individuals for property actually destroyed or injured in the public service. Of this description of claims there were, he said, two great classes. In respect to the great and important claims for houses destroyed during the late war, it appeared to him it was necessary that Congress should retain the power in their own hands. It had been a ruling principle with him, that Congress ought to perform all the duties imposed on them, without shifting the responsibility to others. If any course of conduct would have a tendency to lessen the character of this branch of the Government, and augment the power of the other branch, it was the practice of putting responsibility from themselves on others. The effect of such a course was, he said, to make the Executive branch of the Government all in all; to take from this body all that makes them estimable or venerable in the eyes of the people. It was very true, that Congress was compelled to delegate a part of its power in regard to the numerous class of cases of horses lost, because they were of so little importance, that while the clerk was employed in reading the report on each case, would be more expense of time and money to the country than the whole claim was worth. They formed a just exception to the general rule he had laid down. But was it so with the other claims under the act of last session? The claim of seven and twenty thousand dollars in this city, he instanced, and others of that description, ought to be specially passed upon by Congress. Gentlemen seemed to object to the Committee of Claims, Mr. T. thought unjustly. Judging from things he had seen on this floor, he felt full confidence in them. Were they so hard-hearted as had been intimated? The gentleman before him (Mr. SMITH) would witness that they had awarded to claimants at Baltimore the value of their property destroyed by order of our officers, to no small amount. Mr. T. urged various reasons why a committee of this House would be a proper tribunal to report on such cases. If the case of O'Neale, for instance, had presented itself to this House in the same shape in which it had done to the Commissioner, was it not probable, he asked, that it might have been granted? But it came before the Committee of Claims at their last session; the testimony being *ex parte*, they sought for other testimony, and obtained it, which induced them to reject the claim. There was no probability that the House would be too rigorous. For his part, Mr. T. said, though he was not disposed to go the length of the gentleman from Louisiana, he should not be wanting in a proper liberality to the claimants.

The proposition of Mr. JOHNSON, Mr. T. considered as calculated to do no manner of good. If the claims were to be revised by the Secretary of the Treasury, why not at once refer them to some Department of the Government? It had been asked whether the President was not entitled to the confidence of the House? Mr. T. said he had as much confidence in him as most gentlemen, but he did not like that sort of argument pressed on the House, being a question too much *ad hominem*, when the real question was, whether they ought to shift the responsibility from their own shoulders.

Mr. T. did not wish to see the decision of these claims left to an individual to say how far the nation should be liberal. So far from giving a liberal construction to the law, Mr. T. thought he ought to have done directly the reverse of what he did—not that he did it corruptly, because he believed his character stood far above that imputation. The law ought to have been rigidly construed, because, if he decided for an individual, the money of the public was gone past recovery; if against him, the doors of this body were always open to him.

It had been said that this Government was pledged to grant the claims embraced in the 9th section of the act. Mr. T. said he would not ad-

mit it to be true that this House could not as a body be trusted with the redemption of its own faith, or with deciding on claims of any description, particularly on those represented as so just claims. As to the expense to which the claimants had gone in taking evidence, that would not be lost; for, if justified in coming before this House, their evidence would here sustain their claims.

Gentlemen, he said, ought not to put this question on the merits of those who fought in the late war. We all feel them, said Mr. T., but they do not enter at all into the question of conferring power on others, or retaining it in our hands, which is the real question before the House.

Mr. SHEFFEY, of Virginia, next took the floor. What improper provision, he asked, did gentlemen contend to be contained in the act of last session? To which they would answer, as they had done, that there was nothing improper in the law, but there was something improper in the administration of the law. The remedy then, was, not to repeal the law, but to modify the administration of the law. Such was the remedy proposed by the amendment now under consideration. Mr. S. said he would not examine the question how far the Commissioner had corresponded his decisions to the act of the last session; he would only say, if he had erred in his construction of the law, the remedy in the bill was not an appropriate one. It would be much better, he said, that the principle he had acted on should be carried throughout the whole of the claims coming under it, than to establish an odious distinction between the people of one part of the country and of another part. There were a number of persons here, who, from the convenience of their situation, had come forward, and, having their claims allowed, had received money therefor. What sort of justice would it be, he asked, that the people on the Niagara frontier should not also get it? It was more important that the principle of justice, of liberality if you please, should be extended to all, than that a different rule should be observed as to different sections of the country. He would rather sacrifice a million than establish the principle that one part of the people should be treated in one way and one in another. If gentlemen objected to the competency of the officer, the check or control proposed in the amendment would remove the objection, by placing these claims in the same situation as all other demands against the Government, which first pass under the scrutiny of the accounting officers, and then undergo revision by the head of a department. Such a control over the Commissioner would have, beside, the salutary effect of conforming his decisions to the practice already established in the department.

A gentleman had said that it would be prostrating the dignity of the House to divest themselves of the responsibility of deciding specially on claims coming under the next section of the act. Mr. S. denied it. That was not a prostration of the dignity of the House, but he would tell the gentleman what it was. It is prostrating the dignity of Congress, said he, to confide the general affairs of the Government entirely to the heads of department, to have to consult the Secretary of State whenever we want to know anything of our foreign relations, and echo his language; to run to the Secretary of the Treasury whenever you wish to know anything of the finances. But it was no disrespect to themselves to refer to a Commissioner the examination of small cases of sufferers in the war. There were cases, it was true, which could not be brought within general rules, which should be specially examined; but all cases coming within general rules ought to be confided to a subordinate authority. To show the unfitness of this House for the decision of numerous claims, Mr. S. instanced the proceedings of the House in the case of any private claim. Would the gentleman tell him that there was deliberation, that there was judgment exercised in such cases? How many in this House knew anything of the facts in deciding on a private claim? who put themselves to the trouble to think about it? This observation was not personal to the members of the House, but it arose from the nature of things. Such bodies were wholly incompetent to the adjudication of claims. Mr. S. conceived the principle adopted by the 9th section of the act of last session to be a proper one, such as all just Governments would adopt; because, according to the laws of war, an enemy has a right to destroy property employed for military purposes. It is in fact, said he, your act—Government being bound to protect its citizens from the rightful acts of the enemy. So far did the act of the last session go, and no farther. He was therefore opposed to repealing any part of it.

Mr. CLAY (Speaker) said it was with great reluctance he rose to address the Committee, as well on general grounds of objection to occupying the time of the House, as because he rose in opposition to the report of a committee which deserved great credit for its general conduct, and for the uniform correctness of its decisions. The House were called upon by the bill reported by that committee to repeal the 9th section of the act now in question; to which his friend from Kentucky had proposed an amendment which had for its object a modification of the administration of the law. Before the House determined to repeal that section of the law, they ought to examine and see whether in fact there was anything to be reprobated in the principle of it. What was that principle? It was this: that, when the Government seizes the property of a private individual, and converts it to the uses of the community, and the property is in consequence thereof destroyed, there exists an obligation on the community to indemnify the particular individual who has suffered. That being the principle, could there be any member of the House who would say it was wrong? The public, said he, seizes my house, converts it into a garrison, and the enemy destroys it: is not the public, on every principle of justice, bound to indemnify me for the loss? Unquestionably; and such was the

principle of the 9th section of the law. What were the securities which the section contained against abuses which might arise under it? In the first place, occupation as a military deposite was required; in the second place, the occupation must have been authorized by an officer or agent of the General Government acting under it, and the destruction must be traced to that cause before the sufferers can be entitled to compensation. There was, then, in his conception, Mr. C. said, nothing in the principle, nothing in the details of the 9th section, which called for the animadversion of this House. It ought to be retained, because it was founded in justice and policy; whilst the report of the Committee of Claims went to put everything afloat, and turn the claimants over to this House for redress.

But a worthy gentleman from Virginia, to whom he always listened with great respect, had said that the section ought to be repealed, because it devolved duties and responsibility from this House on others. What, Mr. C. asked, was the business of legislation? The prescription of rules. It resulted from the nature of all Legislatures that a Legislature cannot apply the rules it is its duty to prescribe. Did Congress, in enacting the law of last session, cast from their shoulders the responsibility of prescribing the rules which were to guide the decisions of these claims? No, certainly. If they had, then might they with some justice have been charged with shrinking from their duty, and surrounding the Executive with an importance which would prostrate the dignity of this body. Congress prescribed the rules, and directed the appointment of a subordinate officer to apply them.

But, although the rule prescribed in the 9th section were indisputably correct, being founded on justice, it was contended that there had been such abuse under it, that the House ought to guard the Treasury against further decisions under it. With regard to the conduct of the Commissioner, whose decisions had been called into question, Mr. C. said he really did not think that officer had had fair play on this floor, the House having appeared in a sort of trepidation whenever the subject was agitated, without having regard to the principles on which the Commissioner had decided, and the facts on which his decisions were founded. Mr. C. expressed his regret that the committee appointed to inquire into the conduct of the Commissioner had not reported, as it was due to the House, due to themselves, and to the Commissioner, that they should have done. In a mass of decisions by that Commissioner, amounting to seven hundred in number, two or three only had been picked out as incorrectly decided. If in seven hundred cases he had decided six hundred and ninety-seven correctly, and only three incorrectly, Mr. C. demanded whether, when we consider the fallible nature of all human transactions, the conduct of the Commissioner ought to have been subjected to the severe remarks which had been made on this floor. The decisions of the modern Aristides, the virtuous Chancellor Wythe, not exceeded in high character by the great Grecian himself, had not excited less scrutiny. Mr. C. said he had happened to turn his attention to the decisions of the Chancellor, and he found that out of about two hundred decisions, in a particular period, twenty or thirty had been taken up to the Appeal Court, and out of that number ten had been reversed. Suppose the conduct of an officer like him had been brought before a legislature, and those ten cases only had been brought into view, how unjustly would his conduct have been viewed! Upon the three cases which had been particularly objected to, he had no hesitation in saying, on the statement of gentlemen themselves, that they had been made incorrectly; that Carroll's and Ringgold's houses did not appear to have been destroyed in consequence of their military occupation. But he would say, that the House ought to have a report on the whole of the cases, and not to pronounce, on the representation before them of two or three cases, that the Commissioner had acted so incorrectly as to make it necessary to repeal a material part of the law, and leave the parties to seek relief by petition, session after session, to this House.

With regard to the merits of the cases themselves, embraced within that section, it was impossible for the House to decide. But, said Mr. C., let us select a class of cases; let us recur, for instance, to the class described in the memorial from the sufferers on the Niagara frontier. What was the case? By a sort of tacit consent, the war there raged with peculiar force. It had been the policy of the Government (and in his judgment properly) to carry the war into Canada, to draw it off rather from the maritime frontier to the provinces of the enemy. What had been the consequences? Peculiarly unfortunate to the inhabitants of the Niagara frontier; every house became a garrison, every man a soldier. Scarcely a man had escaped without the loss of life or property. If, in the case of a war of this kind, individuals suffer losses, ought they not to be indemnified as far as is consistent with the ability of the county? Mr. C. assumed the position, and he said he feared not how some gentlemen might be startled at it, that whenever nations were at war, it was their duty to indemnify their citizens for all losses sustained on the land; and that, if they fail to do it, it must be because, from the nature and extent of those demands, it was morally impossible the nation should satisfy them. So it was in the case of our Revolutionary war; the resources of the nation were then wholly inadequate to compensate individuals for their losses. This was a principle, he said, which we find acted on by all Governments. Where they can completely execute it they do: where they cannot go to the full extent, they alleviate the sufferings of the people as much as possible. Mr. C. here referred to the recent conduct of the Emperor of Russia in this respect. We have all seen, he said, a notification of his visiting the various provinces of his Empire devastated by war, to repair, as far as possible, the losses of the people, and alleviate their sufferings. Was there any aspect in which a sovereign could present himself, more calculated

to endear him to the people, to rally them about him, than to see him examining their houses and mitigating their pains? But if the general principle were correct, as he had laid it down, was not its force increased in the case of a war of voluntary declaration on the part of the nation, whose citizens apply for remuneration of their losses? And did it not advance in strength as we proceed to the case of the Niagara frontier, which suffered, not a partial loss of the goods of the whole, but whose whole property fell a sacrifice to the prosecution of the war, which a principle of policy carried to their shores? Look, he said, at what other Governments have done in this respect. The British Government had determined to repair to their Canadian subjects the injuries which they had suffered. Nay, what had one of our States done, invited by the amount of suffering on her borders? The Legislature of New York had voted $30,000, for the partial relief of the sufferers on her frontiers. When, then, said Mr. C., we are provoked by the examples of Governments across the water, amongst them that of our late enemy, healing the injuries of their people inflicted by the ravages of war; when we come home, and see one of the States of this sovereignty, feeling for the losses of its citizens, voting money for their relief—and when we reflect that the late war was one in which, as the one or other army prevailed, death and destruction followed in its train—when so stimulated, let me ask, if we had failed to make proper provisions in this respect, if we should not have indeed deserved that hardened character, which, I regret to see, in a neighboring Legislature, has been assigned to us?

If the principle of the act of last session was just, and the administration only of it not just, Mr. C. prayed of gentlemen not to carry their efforts beyond the emergency of the case, but leave individuals to obtain that redress which was promised to them by the ninth section of the act of the last session. Was there a gentleman here who could be insensible to the importance of that promise? Would they make distance from the Seat of Government a reason for refusing redress? Beware, said he, how you increase the difficulties experienced from the present expansion of our territory! Will you say, that to the man within the sound of my voice you will give a treatment different from that which you afford him who is at a distance? Those people had collected the evidence of their claims at great expense and trouble; and at the moment when they presented their cases, the House were called on in a panic to repeal the law, without making any other provision, or leaving them any other remedy than what Mr. C. considered a refusal of their claims. They were to be told, indeed, that they might petition Congress. A poor remuneration! His word for it, the parties would go unremunerated, and without redress. The gentleman from Virginia (Mr. SHEFFEY) had properly stated the case of private claims before the House. How often, Mr. C. said, when he had in his official character called on the members for their responses on a question of agreeing to a report of a committee on a private claim, he had received not a solitary aye or no on the question! Case after case, he said, was decided on the report of the Committee of Claims, without a single individual, except the members of the committee and the member who presented the petition, knowing anything about it. We want competency, said he, not mental but physical, to decide correctly on such questions. The right to be heard by petition in this House is in fact little more than the right to have your petition rejected. Last session, when the sufferers individually applied to us, the answer given was, that there should be a general principle established, and a special tribunal for the decision of their claims. That was accordingly done; and the Government was now pledged, Mr. C. said, to the performance of that principle by all the sacred obligations of honor, justice, and duty.

Mr. C. concluded by saying, that if no better amendment should be devised than that proposed by his worthy friend, he should vote for it.

Mr. RANDOLPH, of Virginia, said, he was opposed to this amendment, but should not have troubled the Committee with any remarks, but for some observations from his worthy colleague (Mr. SHEFFEY) in relation to the competency of this body to decide on private claims, at which he expressed his surprise. Mr. R. asked whether there was not more self-possession, more free agency in deputing a number of this body to examine and report the facts in regard to a claim, and thereupon legislating, than in transferring the power and discretion to other hands? If there was objection to the Committee of Claims because of its limited number, *a fortiori* there must be greater to this miserable Commissioner—miserable, he said, for he would call any man miserable who stood before this House and this nation in the relation in which he was placed. It might as well be made a reproach to the modern Aristides that he sent down to a jury of twelve men for certain facts on which a cause depended, as to this House, that it depended on the report of its committees on cases of private claims. The case, he said, was plain. He was content to trust the Committee of Claims—as content to trust any committee of this House as any department of this Government. The committee was trustworthy; as far as he was acquainted with them they deserved the confidence of the House. But an honorable member whose exhortations, said Mr. R., it becomes us all to listen to with profound respect, (the Speaker,) has referred to the great apathy prevailing on private claims, so that he was frequently obliged to decide without an aye or no. Mr. R. said he was afraid—not vouching for the fact, either one way or the other, but bound to take it for the fact, the gentleman having said it—if the House was to give up its power in the case of private claims because no man responded aye or no to the Chair, that it might be given up in almost every case, since bills frequently passed before the House with as little attention, exciting as little interest in this body

as reports from the Committee on Claims. From the same authority the House had been told that the right of petitioning this House was the right of having petitions rejected. For the honor—yea, for the honor of this House, as well as for the interest of this nation, Mr. R. said he wished that in some cases coming within his observation since he had had a seat on this floor, this observation were correct. So far from considering the right of petition the right of rejection, if it gave any objectionable right, it was that stated by the honorable member from Virginia who first spoke; that the petitioner has an opportunity of imposing on the watchfulness of the committees; of creating a feeling—a feeling out of the House, to operate in decisions here. Mr. R. said he could bring to the recollection of this body some cases which had been pressed upon the consideration of this House; cases as manifestly unjust, as obviously not coming within the spirit of equity, as any case decided by this Commissioner. What had been the consequence? Why, petition after petition had been presented; year after year the claim had been pressed; the evidence on the part of the claimant never getting worse, that on the part of the public never getting better; till finally, in some moment of supineness, some moment of unguarded liberality, the House was prevailed upon to affix its seal to the claim. He was aware, as far as it went, this would go to show the impropriety of making committees of this House decide conclusively on claims; but that was no reason why a commission heretofore unknown to this country should be established, and the old barriers of the Treasury be thrown down. If the claims of these individuals were legal at the Treasury, they would be paid. If not, said Mr. R., open the courts of justice to them; make the United States suable, or adopt some other measure which will bring their claims to an equitable test, or reserve the power in your own hands. If you delegate it, do it at least to a responsible tribunal. The principal objection to the amendment before the House was, that it went to divide the responsibility—not to eke out the lion's hide with the fox's skin, but to eke out the fox's skin with the lion's hide. Charity—and this was a charitable affair—charity, he said, would cover a multitude of sins—not meaning, in his remarks, any disrespect to the Head of the Treasury. Wherever responsibility was divided, it was lessened. It was not expected that the Secretary of the Treasury could separately examine all these claims—the provision proposed would terminate in empty form—but behind the ægis of the Treasury the Commissioner would find safety. If he could stand with safety on the ground he now occupied, what might he not do when all his acts were sanctioned by that influential department?

But, it appears, said Mr. R., that we must go on in the course we have commenced, because to do otherwise would make a difference between classes of claimants; because the United States having been—it is not worth while to mince the matter—having been most shamefully and scandalously plundered, under pretence of equitable claims, to the amount of some forty, fifty, or sixty thousand dollars, every other man must be allowed to put his lancet in and bleed the Treasury. If the public veins contained more blood than Leviathan himself, Mr. R. said it would not satisfy them all. But, said gentlemen, the Commissioner had had a jog; such claims in the time to come will not be admitted. Ah! then, what becomes of the argument that all cases of claims of the same nature ought to be paid alike? But give us the same man, gentlemen seemed to say, and you may change principles as you will, for no man will say that the House is prepared to support a continuation of these decisions on the same principle on which some have been made by the Commissioner. You may bring to-morrow, not only from within five hundred miles of this place, but within five, the same sort of claims, and produce them to this Commissioner, whether the same person be in office or not, and I presume you would have them at once rejected. But how cruel it is, when the cup of fruition is as it were at the lips of the panting expectant, for this House, for the Committee of Claims—that Rhadamanthean committee—to dash it from the parched lips of these thirsty patriots! For my own part, sir, I have but one favor to ask of this or of any other Government under the sun—that they would keep their hands off my person and out of my pocket. And, on the principle that I do not wish these Commissioners, *ad libitum*, to plunge their hands into my pocket, it is that I am against the amendment. I have no doubt, in consequence of malfaisance under this law, if it were to be repealed, some injustice would be done: but I cannot, therefore, consent that every man restrained by nothing, by no sense of honor, morality, or reputation, may dive his hand as deep as he pleases into the public chest. I cannot consent to it. Mr. R. concluded by saying that he hoped not only that the amendment would be rejected, but that there would be some further modification of this bill. So far from deserving the character given to it in this Committee, the bill had not gone far enough, he thought, to secure the public against plunderers.

Mr. Grosvenor, of New York, acknowledged the justice of many observations which had been made; but he had heard no gentleman, except the gentleman last up, object to the principle of the ninth section proposed to be repealed. [Mr. Randolph said, he did not object to the principle.] Then, Mr. G. said, he did not know how the gentleman intended to apply his speech. If he objected to striking out the provision in this bill for repealing part of the law now in existence—[Mr. Randolph said, he would tell the gentleman what he meant: he was in favor of making compensation where he thought it was due—he thought the present law defective—he thought the bill before the Committee defective, and that the amendment proposed by the gentleman from Kentucky would make it more defective that it already is.] Mr. G. said, he had not much misapprehended the gentleman. The simple

question, after all was said and done, Mr. G. said, was this: is this House a better tribunal for hearing testimony or for applying the principles of law than a Commissioner, or is a Commissioner better than this House? This was the only question remaining. Can we, said he, arrive better at truth, doing justice to individuals, by the ordinary examination of private claims in the House, or will not a commission, consisting of one, two, or three men, accomplish this object better than we. In short, said he, is this a better tribunal than our courts of justice for such decision? The nature of the case forbade it, as Mr. G. proceeded to show by various illustrations. The gentleman from Virginia had said, he would as soon trust the Committee of Claims as a Commissioner. Why, yes, Mr. G. said, if that committee were put into commission, properly constituted, and having sufficient time on their hands; and so would he. But how different was their situation, he said, having but one hour on two or three mornings in a week to hear evidence and decide on cases, to do justice to which would take weeks if not months of laborious attention. The fact was undeniable, he said, that this House was incompetent to decide on claims. In nine cases out of ten, it decided on claims without ten men in the House knowing what it was upon. Why, they would not even, in cases of great magnitude, print the case, that they might have an opportunity of knowing something of it. He recollected the other day, the case of the sufferers on the Niagara frontier, of which the House had refused the printing—[Mr. RANDOLPH in an under tone asked, why the petitioners had not printed it themselves?] Perhaps if they had, gentlemen would have found it too voluminous to read, and their money would have been thrown away. Petitions generally seemed to be left to the person presenting them, to do and negotiate with the committee. If the committee reported unfavorably, to be sure, the decision might be reversed by the House; which he believed had never happened. [Mr. YANCEY, or some member of the Committee of Claims, here intimated that they had frequently been reversed.] Mr. G. said, he was extremely glad to hear it; for it held out to him some prospect of getting a recent report of the committee reversed, which he was sure ought to be set aside. The committee was a very safe one for the public, Mr. G. said; they were excellent hands to dash the cup from the parched lips of the petitioners—parched indeed by suffering and distress—many of whom had had their property destroyed, and others left orphans and widows by the chances of war. When a member came with these claims before that committee—they were honorable men, but they were rigid—they had not only shut the door of the Treasury against the claimants, but thrown the key into the ocean. Going on to compare the decisions of this House with those of the Commissioner, Mr. G. said, it was certain this House would grant too little, and barely possible the Commissioner would grant too much; and, if the Commissioner should err in one out of a thousand cases, he would only award payment to some poor wretch, whose misfortune it would be that his loss, equally grievous with others, did not come within the nice technicalities of the law. In committing such an error, if I were the Commissioner, said Mr. G., I would solace myself with the recollection of it during my whole life. Mr. G. said, he would grant too much rather than too little. It was really but a trifle, after all. Suppose Congress were to give to the Niagara sufferers all they had lost—it would be but a few hundred thousand dollars. Throughout the whole United States, if all losses were to be paid for, Mr. G. said, he did not believe they would amount to two millions; with the provisions of the present law, he did not believe the amount would be a million.

The gentleman last up had said, the people of the United States would not bear decisions on the principle that the Commissioner had established. Mr. G. said, he knew of no construction the Commissioner had given to this law that he found fault with. The Commissioner, said he, went to the President and to the Secretary at War, and decided according to their constructions. The difficulty was, if any, that testimony, bringing cases within his construction that ought not to have been there, had not been sufficiently scrutinized. If so, the gentleman last up was wrong in saying the principles of decision would be changed, when in fact there would be only a check on the reception of testimony.

As to the dignity and duty of this House, he said it was their duty to originate and establish principles of law; it was never intended this House should examine the facts as to particular claims on the Treasury, nor was it their duty. There was nothing new in this doctrine. The gentleman had said, the House were establishing a novel principle. No such thing, said Mr. G. Does not the Secretary of the Treasury, on general principles, settle accounts every day; in cases of contracts for supplying the Army, Navy, &c.? There was nothing different in principle in the law of last session from such cases; there was, therefore, no barrier broken down whatever. Mr. G. said, he was not fully satisfied with the amendment; he would be in favor of adding two Commissioners to the present—but gentlemen appeared to have gotten into their heads that they must be very economical, and thus hazard the loss of a great deal more than would pay the salary of these additional Commissioners. But if money was saved here, no matter where else it leaked out. Mr. G. made some further illustrations of his views, and concluded his argument in favor of a commission for deciding on claims, by a reference to the commission appointment for settling the conflicting Yazoo Claims, which he said he had no doubt would bring the case perfectly home to the recollection of the gentleman from Virginia, (Mr. RANDOLPH.)

Mr. CALHOUN next spoke. He said, it had been remarked that the administration of the law by the Commissioner was defective, and not the law itself; but, Mr. C. said, in vindicating this bill, and opposing the amendment, he ob-

jected not to the administration of the law, but to the part of the law itself which was proposed to be repealed. He considered it objectionable in point of principle. There was a material difference, he said, between cases of property destroyed in the military service, and those of houses destroyed by the enemy. The one case was defined, the other not. Besides, the cases of houses destroyed were but few; whilst cases of the former description were numerous. There was, therefore, good reason to make a distinction between the two classes of cases. Mr. C. considered the case of the destruction of houses by an enemy as involving a great principle. He knew that the gentlemen from Louisiana and Kentucky had expressed their views, that the whole amount of property destroyed by an enemy during war should be paid for out of the public funds. To this doctrine, Mr. C. objected altogether. The very declaration of war, he said, changed the value of property. If you do away the direct effect of war by paying for property actually destroyed, ought you not to compensate individuals for indirect losses occasioned by the war? The very declaration of war, he said, sunk the value of tonnage fifty, sixty, or seventy per cent. If you would remunerate individuals for houses destroyed by an enemy, why not for other property, whose value, equally important to the owners, is equally destroyed by the war? How will you distinguish between these cases? Other laws, besides acts of war, are frequently made by a Government, which change the value of property. An embargo is laid, for instance, by which a certain description of property, to a large amount, is made wholly unproductive. The idea of the gentleman from Kentucky, Mr. C. said, went upon a misconception. All laws are made for the general good; and, whether an individual be benefitted or not, it is his duty to acquiesce, and not oppose the decision of his country. The declaration of war did on the frontier of New York produce distress; but the interior of New York it enriched with a shower of gold. It benefitted them with a market which others had not. To equalize the effects of the war exactly, according to gentlemen's notions, you should take from those who were benefitted by the war, and give to those who sustained loss.

The reason why, Mr. C. said, he was indisposed to submit this important class of cases to the decision of any commissioner, was, that the cases descended by imperceptible gradations from occupation that was military, to that which was not. For example, the whole of the houses on a part of the Niagara frontier had been destroyed; many of them were in the occupation of military force, but the majority were not, but were destroyed in the neighborhood of the others. Here, then, is a class of cases of great importance, not only as to the amount of the claims, but as to the doctrine connected with them; they were such as no commissioner could decide. If the principle was established of paying for them all, in the event of any future war it would bankrupt the nation. If a commercial town was attacked, the nation must pay for every house destroyed! Say the city of New York was destroyed, could the Treasury meet so vast a claim for reimbursement? It could not. Beware, said Mr. C., how you introduce the principle into the statute book, of destroying the distinction between public and private property! By doing so, you become the universal insurers. The enemy will make war on you in that way which will most affect your Treasury. If you adopt the principle advocated by these gentlemen, your towns may fall a sacrifice to it, in the hope thereby to bankrupt you.

It had been stated that this House was not a proper tribunal to decide on private claims. Mr. C. said he regretted to hear this remark, particularly from the source from which it came. This House was as capable, Mr. C. said, as any tribunal whatever. A committee might be selected who would attend with vigilance to the claims, as would the present Committee of Claims; and if the House was not very vigilant in superintending the reports of its committees, why was it not? Because they had a confidence in the reports, which, as regarded the Committee of Claims, Mr. C. asserted to be well founded. Mr. C. said he was sorry to see acquiescence in the acts of a committee construed into inattention and want of disposition to attend to them. The gentleman from Virginia had well said, that this kind of negligence, experienced in private cases, was equally applicable to public bills. It is not the fact, said Mr. C., that this acquiescence is negligence. The House is vigilant and attentive: and, when there is not an express division on any question before it, it only indicates that the members of the House have made up their mind on the subject, and do not desire a division.

The House of Representatives, Mr. C. said, was not, he believed, a favorite body in the nation. It had no patronage to bestow, no favors to grant, and could rely only on its own character to sustain it; and it was, therefore, the duty of members to defend the character of the House. It had been said that the power of petitioning this House was merely the power of having a petition rejected. Mr. C. considered the reverse the fact; that mere importunity sometimes succeeded in obtaining claims which ought never to have been allowed. He was aware, he said, that this argument made something against the capacity of this House to decide on claims, but not in the sense in which the gentlemen from New York and Kentucky had pressed this point against the House. If any failing in this respect was imputable to the House, Mr. C. said it was that they acted with too much feeling; and when the claimants came before this House, they would find ample indulgence. Mr. C. said, further, that he was clearly of opinion that where, in the cases of houses destroyed, there could be proved regular military occupation by military force, the cases would be favorably decided. But the cases changed by minute graduations, from actual to accidental military occupation, in such manner that he was unwilling to trust the decision of those cases to any tribunal but this House.

Mr. C. said he was sorry he had, in any degree, provoked the sensibility of the gentleman from South Carolina, but was happy to find, from this occasion, that the House had in him so happy an eulogist. When he had said that the right of petition was little more than the right of rejection, he did not mean certainly in the cases of great rights occasionally brought before this House, but in minor cases they were incompetent to investigate and decide on claims. And, when the gentleman had run away with his remarks on this, as he had done on another point, he should have been glad had he correctly appreciated them. I state the fact, said Mr. C., let the consequence be what it may, that, on the decision of a claim, in nine cases out of ten, on the report of the Committee of Claims, there are nine out of ten of the members who do not understand the question. And, in saying this, Mr. C. said, he meant to cast no reflection on the House; the relation in which he stood to it, and the favor he had received from the House, his knowledge of the high character and integrity of the members who composed it, forbade the idea. But he stated, in what he had applied to this House, a fact inherent in all public bodies.

The gentleman had not less misunderstood him on this point, Mr. C. said, than on the general principles with which he set out; and he should have been unmindful of the respect due to himself, if he had not considered all the consequences of the position he had taken, in all the views in which the gentleman's abstract mind had placed it. The case of maritime loss, Mr. C. said, he had excepted from his position. But he could conceive, that in cases of maritime loss, where a nation plunges into war without giving notice to its citizens, and occasions distress, there may be an obligation on the nation to remunerate the loss, although from want of ability it may not attempt to do it. There was another modification of the principle, also; the national ability to pay, or the effect of such payment on the general welfare: and, Mr. C. said, he would admit, in cases where the extent of the injury is very great, where a desolating or conflagrating war of invasion has laid waste a whole country, the nation ought not to indemnify its citizens; not because it would not be just, but because it was impossible, and the sovereign authority was compelled to look on the case silently. So in the case of cities. His principle was, Mr. C. said, that where the individuals of a country have suffered losses in war, of the kind spoken of, it was for the nation to judge, looking to the state of its finances, whether, from the state of its circumstances, it can fulfil what, if it be able, be a solemn obligation.

With regard to the consequences of such a policy, Mr. C. said he differed essentially with the gentleman, when he supposed it would invite an enemy to destroy your property. The nation which is to make this indemnity to its citizens for losses, makes it not at the moment of the loss, but consults its own inclination as to time and manner. But the gentleman had hinted that an enemy would destroy your towns, in order to make the destruction a public loss. Did the gentleman believe that no consideration but individual suffering now and ever will restrain such conduct in a civilized enemy? No; hopeless indeed, said Mr. C., would be the condition of the world, if the security of individual property in war rested on the basis on which the gentleman had placed it. The security of individual property results, first, from the progress of mind, the civilization of man, and next, from the apprehension of bringing dreadful retaliation on the subjects of the assailant. Would not any enemy reason very badly who would reason as the gentleman had done? When meditating the destruction of the city of New York, that the public might suffer the loss, would not the enemy say, if I do this, I shall have against me the united voice of the whole civilized world? Would he not further say, if I do it, London or Paris, my own cities, will suffer in consequence of it? Yes, Mr. C. said, it was a visionary idea. A security against such conduct in an enemy was found in the melioration of the condition of man in relation to the prosecution of war, and in the apprehension of being themselves visited in like manner.

Mr. C. said he did not comprehend distinctly what the gentleman was in favor of; but understood him to intimate, that if the property of an individual was seized and converted to public use, and in consequence thereof destroyed, it ought to be paid for. Such, Mr. C. said, was the provision in the existing law, which he was opposed to repealing, &c., believing that a commissioner or any single judge was better able to decide on the evidence of such cases, than this House could be.

After Mr. C. concluded, on motion of Mr. WRIGHT, the Committee rose, and the House adjourned.

TUESDAY, December 31.

The SPEAKER laid before the House a report from the acting Secretary of War, in pursuance of a resolution of the last session, on the letter of Major General Harrison, relative to the expenditures of public money by him, on the Northwestern frontier during the late war; which, on motion of Mr. JOHNSON, of Kentucky, was referred to a select committee, and ordered to be printed.

Mr. ROBERTSON, from the Committee on the Public Lands, made unfavorable reports on the petition of sundry inhabitants of Jefferson county, in the Mississippi Territory; on the petition of John W. Simpson, and of sundry inhabitants of Shawanoe town, in the Illinois Territory; which reports were severally read and concurred in.

Mr. NEWTON, from the Committee of Commerce and Manufactures, reported a bill for the relief of Isaac Lawrence and others, merchants residing in the city of New York; which was read twice and committed to a Committee of the Whole.

CONTESTED ELECTION.

Mr. Taylor, from the Committee of Elections, made a report on the petition of Rufus Easton, contesting the election of John Scott as Delegate from Missouri Territory, which was read and committed to a Committee of the Whole on Thursday next. The report is as follows:

That, at the last election in said Territory, the petitioner and the said John Scott were opposing candidates. The whole number of votes counted, cast up, and arranged, by William Clarke, Governor of the Territory, as having been given at the said election for Delegate to Congress, and upon which his certificate was founded, was 3,647, of which, 1,816 were given for John Scott, and 1,801 for the petitioner, and thirty for other persons.

The petitioner stated the following objections, in writing, to the election and return of John Scott as Delegate from said Territory:

"1st. That, according to all the votes given at the election on the first Monday in August, 1816, counting those legally returned, and such as were not returned within the time prescribed by law, or were rejected, he has a majority of fifteen votes over his opponent, John Scott. To prove which, he refers the honorable Committee of Elections to the abstract of votes returned to the Governor, according to the act to regulate elections in that Territory, being document marked B, to the depositions of S. A. M. Carter, Andrew Kinkaid, Clement B. Penrose, and John Cunningham.

"2d. That, according to the abstract of votes legally and illegally made to the Governor, the said Rufus Easton has a majority of seven votes over the said John Scott, considering the copy of the paper from Cote Sans Dessein, in the county of St. Charles, certified by the clerk of that county to be a copy on the 18th of September, 1816, more than a month after the abstract of votes from that county had been filed in the Executive office, not to be an abstract of votes, but a nullity, as it certainly is; to prove which, the honorable Committee of Elections are referred to the seventh section of the act of the Territory, entitled 'An act to regulate elections,' which provides 'that, previous to any votes being received, the judges and clerks shall severally take an oath or affirmation,' in the form therein prescribed. The deposition of Isaac Best, one of the persons who pretended to act as judge, proves that 'one Baptiste Roy was the only person who acted with him as judge, and that a person of the name of Frereault acted as clerk, and no other; and that neither of the judges or clerk were sworn.' The act requires, that there should be three judges and two clerks to hold an election; 'that the poll shall be opened at eight o'clock in the forenoon, and close at six in the afternoon; that the persons who shall administer the oaths shall cause an entry thereof to be prefixed to the poll-books in words to the following effect: 'I do hereby certify that —— judges and —— clerks of the election, held in the township of ——, in the county of ——, on the —— day of ——, in the year one thousand eight hundred and ——, were severally sworn, as the law directs, previously to entering on the duties of their office; which certificate shall be subscribed by the person administering the said oaths or affirmations, and be considered as a part of the record of the said elections.' The act further requires that each clerk shall furnish himself a poll-book of the election; and, at the close of the polls, the names of the electors contained upon the poll-book shall be counted and set down, in writing, at the foot of the column in which they are entered, and the number of votes cast up and arranged, and set down, in writing, at the foot of the poll-book, and shall be signed by the judges, and countersigned by the clerks, &c. And further, that the electors shall vote *by ballot*. [See sections 4, 5, 6, 7, 8, 9, 10, and 13, of the act to regulate elections.] None of these requisites were complied with at *Cote Sans Dessein*; which is not only proven by the return of the persons pretending to hold an election there, but by the deposition of Joseph Roy, that 'two persons acted as judges, and another person did the writing; that the polls were opened at 11 A. M., and closed at 2 P. M.; that one Charles Relle refused to vote for any person, but was forced to do so by the judges, who sent a paper to bring him before them.' The depositions of Francois Denoyer and Joseph Morin prove that the judges put on the list the names of persons as voting for Mr. Scott, who did not vote, and who were not in the township on the day of the election; and the depositions of Peter Powell and Asa Williams prove 'that George Evans, alias Avans, and Jesse Avans, whose names appear on the list as voting for Mr. Scott, had not been in the Territory eight months prior to the day of election; and that the votes were given by word of mouth.' The act of Congress requires a residence of one year. By the deposition of Baptiste Pineau, it appears he was out hunting on the day of election, and yet his own, or son's name, who is about seventeen or eighteen years old, is listed as voting for Mr. Scott. Joseph Morin's deposition proves that he was absent on the day of election; that his name was listed as voting for Mr. Scott, without his consent or approbation; and that the name of Joseph Rivard, *fils*, (junior,) who is only eighteen or nineteen years of age, is listed as voting for Mr. Scott.

"Notwithstanding all the defects apparent upon the face of the paper relating to the election at Cote Sans Dessein, and although the same had been rejected by a majority of the justices and clerk of the court, authorized by the fifteenth section of the beforementioned act regulating elections, 'to make the abstract of votes for Delegates to Congress, which, being signed by the judges, or justices, and clerk, or any two of them, shall be deposited in the clerk's office, and a copy thereof, certified under the official seal of such clerk, shall be transmitted, by express, to the Governor of the Territory. And it shall be the duty of the Governor, within thirty days after the expiration of the time allowed for making county returns, to cast up and arrange the votes from the several counties, or such of them as may have made returns, for each person voted for as Delegate to Congress, and shall immediately thereafter issue his proclamation, declaring the person having the highest number of votes to be elected as Delegate to represent the Territory in the House of Representatives of the United States, and to grant a certificate thereof, under the seal of the Territory, to the person so elected;' and, although the abstract of votes for Delegate to Congress, from the county of St. Charles, had been made and sent to the Governor on the 17th day of August, 1816, after all the returns which had been made from the other counties, it appeared, according to those abstracts, that Rufus Easton had a majority of seven votes; the Governor, nevertheless, refused him a certificate of his election, although, according to law and common justice, he was entitled to it. The said John Scott, taking with him a certain George Ferguson and James Brady,

proceeded to the county of St. Charles, and requested of the clerk a copy of the election return of Cote Sans Dessein. The clerk made out a copy of the paper to be found in the third page of document B, and described under 'note.' 'The following return was received at the Executive office (delivered by James Brady) on the 18th of September, 1816;' and the said John Scott requested the clerk to fold it, and direct it to the Governor of the Territory; and the clerk directed it to 'his Excellency William Clark, Esq., St Louis.' For which copy the clerk was paid by the said John Scott, or his order, and the copy was taken, in the night, from the clerk's office, by the said Ferguson or Brady; all of which facts appear, by the deposition of William Christy, junior, Esq., clerk; on which paper there appears the name of Rufus Easton, with one other name under it, and the name of John *Scoot*, with twenty-three other names under it; which paper was not and is not an abstract of votes, and the Governor had no power, legal authority, or right, to make use of it as such.

"3d. That, according to the abstract of votes certified agreeable to law, and returned to the Governor of the Territory of Missouri, according to the statute in that case provided, the said Rufus Easton has a majority of *fifty-one* votes over his opponent, John Scott, which appears from a copy of the said abstracts contained in document marked B., that, in the county of Lawrence the clerk has made the abstract of votes from that county himself, sent the original to the Governor, and not a copy, which he had no authority to do; and that no abstract of votes having been made, signed by the judges, or justices, and clerk, or any two of them, deposited in the clerk's office, and a copy thereof, certified under the official seal of the clerk, the Governor had no authority under the law to count the votes given in that county.

"The above objections are submitted to the honorable Committee of Elections by Rufus Easton, to show that he has been arbitrarily and erroneously deprived of a right secured to him by law, in the granting of a certificate of election by the Governor of the Territory of Misouri to John Scott, as the Delegate of that Territory.

"The said Rufus Easton wishes it understood by the honorable committee, that, by laying these objections before them, he will not be prevented or precluded, at any stage of the examination, from making other statements, and exhibiting other proofs and documents in support of his right.

"RUFUS EASTON.

"DECEMBER 19, 1816."

By the twenty-third section of the act to regulate elections in the said Territory, it is enacted in the following words: "that in all elections to be held in pursuance of this act, the electors shall vote by ballot." It was intended by the Legislature to insure to each elector the privilege of a secret vote, to enable him more independently to exercise the elective franchise. The committee know of no authority competent to compel an elector to disclose the name of the candidate for whom he voted; but without such disclosure it is in vain to inquire into the qualification of an elector, with a view to purge the polls. It would become important only as it related to the conduct of the judges of the election. They are clothed with full power to examine, upon oath, and adjudge every elector presenting himself to vote, either qualified or disqualified; they may admit or reject him. They are liable to punishment if they knowingly receive an improper vote, or conduct themselves, in any respect, with partiality. The committee are of opinion that their adjudication, as to the qualification of electors under the law of the Territory, should be final.

The committee, therefore, overruled so much of the objections of the petitioner as related to the qualifications of the electors, and decided that they would not investigate the same, nor inquire for whom they respectively voted. Of the 3,647 votes, above mentioned, there were given in the township of *Cote Sans Dessein* twenty-three for John Scott, and one for the petitioner. The votes of this township were unanimously rejected by the committee for a variety of causes, among which are the following:

1. The election was held *viva voce*.

2. But two persons acted as judges, and neither of them were sworn.

3. But one person acted as clerk, and he was not sworn.

4. The votes were rejected by the justices whom the clerk took to his assistance in making out the abstracts to be forwarded to the Governor; they were sent to the Governor in an irregular manner; and the paper called a return appeared, upon its face, to be defective in many important particulars.

The committee having rejected these votes, there was left a majority of seven votes in favor of the petitioner. It was then contended by the petitioner that he was entitled to the certificate of election, and ought, forthwith, to be admitted to a seat instead of John Scott, for the following reasons submitted by him in writing:

"The fifteenth section of the 'Act to regulate elections' in that Territory declares, 'that on or before the fifteenth day after the day of election, or sooner, in case all the returns be made, the clerk of the court of common pleas of the county, taking to his assistance two judges of the court of common pleas, or justices of the peace, or one of each, shall proceed to open the several returns which have been made to his office, and make abstracts of votes in the following manner: The abstract of votes for Delegate to Congress shall be on one sheet, and the abstract of votes for Representatives shall be on another sheet, separate from the sheet on which the abstract of votes for Delegate is contained, and being signed by the judges or justices, or any two of them, shall be deposited in the clerk's office, and a copy thereof, certified under the official seal of such clerk, shall be transmitted by express to the Governor of the Territory, or to the person exercising the government thereof. And it shall be the duty of the Governor, or person exercising the government for the time being, within thirty days after the expiration of the time hereinbefore allowed for making county returns, to cast up and arrange the votes from the several counties, or such of them as may have made returns, for each person voted for as Delegate to Congress; and shall immediately thereafter issue his proclamation, declaring the person having the highest number of votes to be elected as Delegate to represent this Territory in the House of Representatives of the United States, and to grant a certificate thereof, under the seal of the Territory, to the person so elected.' The duty enjoined upon the Governor is to cast up and arrange the votes from the several counties, or such of them as may have made returns, for each person voted for as the Delegate to Congress, and shall immediately thereafter issue his proclamation, declar-

ing the person having the highest number of votes to be elected as Delegate to represent the Territory in the House of Representatives of the United States, and to grant a certificate thereof, under the seal of the Territory, to the person so elected. It is not the duty of the Governor to cast up and arrange votes not returned to him according to the provisions of that section of the law. The votes meant or intended to be cast up are such as are contained in the abstracts made by the justices and clerk, or any two of them, from the several returns of the election from the different townships to the clerk's office of the county, as contained in the poll-books; which abstracts shall have been deposited in the clerk's office, and a copy thereof, certified under the official seal of the clerk, transmitted by express to the Governor; he is not empowered or required to cast up votes contained in the return made to the clerk's office, nor ought he to cast up votes contained in a paper which is not an abstract; indeed, he has no authority to do it. It is upon a copy of the abstracts of votes certified under the official seal of the clerk, and transmitted by express to the Governor within the time prescribed by law, and upon that alone, that he is called to act. He cannot make abstracts of votes himself, nor ought he to receive any made by others not authorized to make abstracts; and if he sanctions such unwarrantable acts by casting and arranging, under the law, the votes they are supposed to contain, he violates a law which ought rigidly to be carried into execution, and tramples upon the rights of the community.

"There can be no doubt that, by the abstracts sent to the Governor, Rufus Easton had the highest number of votes. The Governor counted for Rufus Easton 1,800 votes and for John Scott 1,793; besides those supposed to be contained in the paper from Cote Sans Dessein, which is rejected—it is a nullity. It was then the bounden duty of the Governor, enjoined upon him by law, sanctioned by his own signature, to have granted a certificate of election to the said Rufus Easton. This the Governor refused to do, as will appear from a notice and request served on him the 24th September last. And for this injury what is the remedy? It is not to be found in the Territorial Government, where public opinion has scarcely any influence upon a Territorial Governor.

"There is a maxim, founded on the principles of universal justice, that 'there is no wrong without a remedy, and no right but what may be enforced.' From my own experience in life, I am inclined to believe the maxim would be much more correct and true, if it should read, 'there should be no wrong without a remedy, and no right but what ought to be enforced.' And how is this wrong to be righted, and the remedy enforced, but by making the person entitled to the certificate of election the sitting member? I have been told that it is the parliamentary practice of Great Britain, that when a person has been wrongfully returned, the person who ought to have been returned is entitled to become the sitting member, and leave it to the opposite party to contest. The distinction is a plain one. In cases where the person returned comes rightfully by the certificate of election, then he ought to keep his seat, till it is shown that he is not entitled to it; but where the person comes wrongfully by the certificate, in such cases he is not entitled to it, it is the property of another; the seat belongs to another; and that other ought not to be kept out of it upon a mere supposition. The parliamentary rule of practice of Great Britain would have very little weight or influence with me, should I be called upon to decide, except when founded on the immutable principles of justice. But if I am correct as to what their practice is, in this particular it is the practice of right; and so far it ought to be regarded as a practice fit to be adopted into a republican Government. I would listen to the rules and practice of Great Britain, and adopt them if just and reasonable, and reject whatever might be the offspring of injustice and oppression.

"The present case is, perhaps, a novel one; a case without a parallel and without a precedent. It is not a case like that of Isaac Williams and Isaac Williams, junior, or Charles Turner and Charles Turner, junior. In these two cases the decision of the question of fact, as to the votes being given for one and the same person, decided the whole contest; and had the question there been made, Who ought to have been returned? the result would have been the same. The question, Who ought to be the sitting member? could not be decided without determining, in the same instant, which was entitled to the seat. And, in the case of Kelly* and Harris, it does not appear from the record of proceedings that the point was made.

"The case under consideration is altogether of a different character. It is *a territorial case*, not likely to occur or happen under any Government where public opinion has its proper influence; which will always correct the evil and enforce the remedy.

"The question here, Who ought to have been returned? is a separate and distinct question, one that can be decided without determining or touching the main question. It is one which will, as nearly as can be expected, give the remedy. It is a question, if the returning officer erred, What ought the House of Representatives to do? Will not the immediate Representatives of a free, independent, and enlightened people, whose laws, maxims, and practice are founded on the universal and unchangeable principles of justice, correct the error, and place the party in the situation he ought to have been placed under the law? It is simply a question to be decided from the abstracts of votes returned into the Executive office according to law."

The committee being of opinion that the application of the petitioner ought not to be granted, proceeded in the investigation. The sitting delegate objected against the poll in the township of Maniteau, in the county of Howard, because the votes were given *viva voce*. This objection was not supported by evidence, and is not apparent from an inspection of the poll. In the township of St. Charles, in the county of St. Charles, he objected;

1. That the votes were not cast up and arranged by the judges of the election as the law directs.
2. That the votes were not counted.
3. That the same magistrates acted as judges of the election, and as assistants to the clerk in making his return.

The first and second objections were altogether unsupported by evidence, and the third was overruled by the committee. The election law does not prohibit judges of the election acting as assistants to the clerk in making his returns to the Governor.

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* In this case it is probable the error in casting up the votes did not appear to the Governor, or was not to be discovered upon the face of the abstracts certified to him; if so, Harris came rightfully by the certificate.

In the townships of Saline and Big river, in the county of St. Genevieve, he objected against the returns. In the first, because the return appears blank, as neither the judges nor the clerk signed it; because it is otherwise informal, and because it appears to have been only a poll-book, stating, "Easton 19, Scott 14," without designating for Delegate to Congress. In Big river township, because it is not certified that the clerks were sworn; that the only evidence showing when the election was held is to be inferred from the date of the qualification of the judges. The only evidence in support of these objections was, an extra-official note or memorandum thereof, made by the clerk of the county of St. Genevieve, on the abstracts sent by him to the Governor. The committee considered this evidence altogether insufficient to establish the objections. If the facts existed, as alleged by the sitting Delegate, they might have been proved by the official copies of the poll-books, on file in the office of the clerk. He further objected against the poll in the township of St. Michael, in the same county, because it was closed at two instead of six P. M. No proof was adduced in support of this objection.

In the township of Bellevue, in the county of Washington, he objected against the poll, because the votes were given *viva voce;* and because one of the judges of the election administered the oath of office to himself. Neither of these objections were proved to the satisfaction of the committee.

In the township of Concord, in the same county, he objected against the poll, because the votes were not written or extended at length in the return of the judges of the election, but were set down informally; and because the votes were given *viva voce*. These objections were, in the opinion of the committee, altogether unsupported by the evidence.

The committee then proceeded to consider the objections made by the petitioner. In the township of *Cinq Hommes*, in the county of St. Genevieve, the petitioner objected against the poll—

1. Because William Tucker was appointed a judge of the election by Barnabas Burns, a justice of the peace, or by the other two judges, whereas, by law, it was the duty of the justice himself, *being present*, to act in that capacity.

2. Because the votes were not cast up and set down *in writing*, as the law directs, but stated in figures only.

Both these objections were overruled by the committee. As to the first, for aught that appears, Mr. Justice Burns may not have been present at the opening of the election, or, if present, he may have refused to serve as a judge, although he had the power of acting in that capacity. Tucker having been appointed a judge by nomination, the committee presumed that, in the words of the law, "there was no person present to act as a judge."

The second objection is satisfactorily proved. By an official copy of the original poll-book, certified by the county clerk, it appears that the return is stated, *in figures*, "for Rufus Easton 16, for John Scott 107." In the election law, it is enacted that "the number of votes given to each person shall be *set down in writing* at the foot of the poll-book." In this particular the words of the act were not literally complied with, but the variance relates only to form; no ambiguity is produced thereby, and, as far as the committee can discover, no injury is done to either party.

In the township of Breton, in the county of Washington, the petitioner objected against the poll, because John Rice Jones, one of the judges, was appointed by the other two judges, when the place ought to have been filled by John Brickey, a justice of the peace, who was present at the election. The objection was overruled, for the reasons stated in relation to the first objection made to the poll in the township of *Cinq Hommes*.

In the township of German, in the county of Cape Girardeau, the petitioner objected to the return—1. Because the clerks of the election were not sworn; 2. Because there is no certificate of the clerk's being sworn prefixed to the poll-book, as required by law.

The first objection was not supported by any affirmative evidence; the second was overruled by the committee. Although the certificate is not made according to the letter of the law, yet a majority of the committee being of opinion, from inspecting a certified copy of the original poll, that the clerks were in fact sworn, decided against rejecting the return.

The committee having disposed of the objections above mentioned, an application was made by the sitting Delegate for further time to procure copies of the poll-books from the several townships in the counties of St. Genevieve, Cape Girardeau, New Madrid, Lawrence, and Arkansas, for the purpose of proving that the polls in the several townships in which majorities had been given for the petitioner had been kept in an irregular manner; that the judges in the township of Tywapity had closed the polls before six o'clock, and that, in many instances, the returns were defective upon the face of them.

The election was held throughout the Territory of Missouri on the 5th day of August last. The Governor having granted to the sitting Delegate a certificate of his election, the petitioner, on the 24th of September last, served upon him a notice of his intention of contesting his election. On the 28th of the same month, the sitting Delegate notified the petitioner of the times and places at which he proposed taking depositions to support his election, commencing on the 12th October last, and ending on the 14th February next. Five months have nearly elapsed since the election in the said Territory, and more than three since the sitting Delegate was notified by the petitioner that his election would be contested. The committee were of opinion that sufficient time had been allowed to procure copies of the poll-books from every township in the Territory, and that the application of the sitting Delegate for further time ought not to be granted. Thereupon, it was contended by the sitting Delegate, that, by rejecting the votes in the township of *Cote Sans Dessein*, the candidate would become entitled to a seat who had not a majority of voices in his favor; and therefore the election should be set aside, and a new one ordered. The committee did not concur in this opinion.

Upon a view of the whole premises, the committee respectfully submit the following resolutions:

Resolved, That John Scott is *not* entitled to a seat in this House as Delegate from the Territory of Missouri.

Resolved, That Rufus Easton *is* entitled to a seat in this House as Delegate from the said Territory.

COMMISSIONER OF CLAIMS.

Mr. WILLIAMS, of North Carolina, from the select committee appointed to investigate the decisions of Richard Bland Lee, Commissioner of Claims for lost property, &c., made a report, stating, that the great mass of documents, con-

nected with the evidence in eight hundred decisions, render it impossible to investigate the whole of them, and presuming that such examination was not contemplated by the House, concluded with a resolution that the committee be discharged from the further consideration of said decisions.

On the question of concurring with the committee in their report, and consequently to discharge them from further consideration of the subject referred to them, a warm debate ensued, of a character nearly the same as that heretofore reported on this subject, which continued nearly an hour; a brief view of which will embrace all the points argued or urged in the debate.

Mr. Forsyth rose first in opposition to the report. As the committee had been raised to inquire generally into the decisions of the Commissioner, he thought they ought to perform their duty and report some opinion to the House. Such an investigation was highly necessary, as he thought it had been clearly established that the Commissioner had departed widely from correctness in his decisions; he wished not to do injustice to that officer, but he believed he had grossly erred—the report of the Commissioner himself proved it, as it was apparent that he had substituted his own idea of justice for the letter of the law, and he had no notion this inquiry should be smothered under a mass of papers; the labor would be less gigantic than the committee seemed to think it, and the subject ought to be thoroughly sifted for the benefit of the nation.

Mr. Fletcher, of Kentucky, would vote for the report from a conviction that it was right. So far as he was acquainted with the decisions of the Commissioner, he had acted properly, and had guarded the public treasure vigilantly. Mr. F. had himself brought on several claims, some of which the Commissioner had rejected, which Mr. F. thought ought to have passed. The private character of Mr. Lee he had never heard impeached. Why urge the committee to wade through eight hundred decisions? It was competent for the House to regulate the ninth section of the act, but if the law be suspended it would amount to a denial of justice.

Mr. Mills was also in favor of agreeing to the report, which he defended at some length. For what purpose should the committee undertake the Herculean task urged upon them by the gentleman from Georgia? Many of the cases would singly require three days for a proper examination; and was this to be done, to ascertain whether this poor Commissioner had transcended his powers in cases where no error was alleged? Before this committee was appointed, the subject had been referred to the Committee of Claims—that committee had examined the most important papers, and reported on certain cases which had thrown light on the subject, and had anticipated the select committee, and this rendered further inquiry useless, &c. Mr. M. adverted to the reprobated decisions of the Commissioner, and argued to show that rumor had done him injustice, and that his proceedings had not been so erroneous as was represented.

Mr. Williams followed in favor of the report, and of discharging the committee from the subject. It was not in the nature of things that the committee could, consistently with their other duties, take up one by one the mass of cases and decide on them; nor would any good result to the House or the nation from it, if they even possessed the strength to do it, as it would be reporting what had been already reported by the Committee of Claims. This business had been involved in much perplexity by the creation of two committees on nearly the same subject—he would not say the other had gone out of its province, but it had relieved the select committee from much labor. Mr. W. repeated, he could not see any good in further considering what had already been brought before the House by another committee, and, if they were to come to different conclusions, how would it appear to have two committees arrayed against each other?

Mr. Hulbert thought it proper the committee should be discharged from the further consideration, because there was no necessity for their going through the seven hundred horse cases, and it would give the House no information to have another report on the three cases so specially brought before them already. He had sufficient evidence that gross misconduct had taken place—it was the duty of the House to interfere, and he wished no further report to make up his mind.

Mr. Forsyth said, in reply, that this business had not been voluntarily thrown on the select committee. It had been solicited by gentlemen who now thought it unnecessary, but they ought not to shrink from a duty they had asked to be imposed on them. It was incorrect that the same subject was referred to two committees—the Committee of Claims were instructed to inquire into the law, and the select committee appointed on the man—this committee say the Commissioner had acted erroneously, but do not say whether intentionally or not; it was their duty to report on this point, and say whether there was evidence of corruption, &c.

Mr. Ross moved to lay the report on the table. The duty of the committee had been correctly stated, he said, by Mr. Forsyth—though he himself had no doubt of the integrity of the Commissioner. Mr. R. argued at some length to show that it was due to the character of the officer, which had already suffered much by the course of the discussions on this subject, as well as to the House and the nation, to show whether his imputed errors were unintentional or corrupt; if the former, that his fame should be freed from the insinuations made against him, and if the latter, that he should not be allowed to proceed in deciding on claims so important as were yet to be acted on.

Mr. Ross's motion to lay the report on the table was lost.

Mr. Wilde spoke against agreeing to the report, because he was always in favor of the committees and the members of the House performing their duty strictly and faithfully. Mr. W. referred to the suspension of a part of the law

by the President of the United States, and to the proposition now pending to repeal it; and thought it was first proper to ascertain whether the fault was in the law, or in its administration. He did not wish the Commissioner to be legislated out of office unless he was corrupt, and for that reason he wished his conduct to be thoroughly investigated by the committee appointed to perform that duty.

After some additional remarks and rejoinders by Messrs. FORSYTH, MILLS, and WILLIAMS, and some remarks by Mr. W. P. MACLAY, the question, on concurring in the report of the select committee, was taken, and carried without a division.

The documents were then, on motion of Mr. GROSVENOR, referred to a Committee of the Whole.

PAYMENT FOR LOST PROPERTY.

The House then again resolved itself into a Committee of the Whole on the bill to amend the act making compensation for property lost, &c. during the late war—Mr. JOHNSON'S amendment being still under consideration.

The debate on this subject was resumed by Mr. WRIGHT, and continued until the House adjourned, but which can only be given here in a summary view.

Mr. WRIGHT rose in opposition to the report of the Committee of Claims, the adoption of which would be outrageously unjust to the Commissioner, who would be the victim of clamor, which it was always easy to raise, an instance of which he cited in the clamor against the Chief Justice of the United States, respecting his decision in the case of Aaron Burr, when the inquiry was instituted whether it was in the law or the administration of it, that the accused escaped punishment; and yet we all know, said Mr. W., how fair the character of that exalted officer now stands. He believed no man could have walked with more caution than Mr. Lee had in performing his duty, which opinion he justified by a review from the Commissioner's report of his proceedings, and his efforts to act properly in fulfilling his trust; and he called on the House to examine that conduct as here developed, and they would have reason to esteem and respect the officer. He asked gentlemen if they, if any man, could proceed more earnestly in search of light to guide them to a correct construction of the law and its correct administration. He had manifested the greatest deliberation, and after seeking advice of those who were authorized to give it, he received directions to act precisely as he had acted. Mr. W. also referred successively and particularly to the circumstances of the three cases reported by the Committee of Claims, and urged as the most objectionable, and justified them as legal and proper, from the nature of the claims and the evidence adduced, and was of opinion that the Commissioner had, in these cases, done what he ought to have done, and had done nothing which he ought not to have done; but even admitting error in his decisions, it was the error of the Government, not of the Commissioner; that it was admitted he had correctly decided in near eight hundred decisions, and only three were thought erroneous, &c. Of the law officer of the Government he had sought advice in construing the law, by whom it was refused; then of the Executive, by whom after two months' delay, he had been instructed to proceed exactly as he had done. Touching the cases which had been suspended, Mr. W. was of opinion that we ought to take example from the enemy, and pay all losses incurred by the war, and that sufferings sustained in a common cause, ought to be borne equally by the nation. On the question before the House, he hoped the amendment would prevail, and that in a business so important two additional Commissioners might be appointed. Mr. W. illustrated his opinions by various arguments drawn from the laws of nations, our own laws, &c. Mr. W. concluded his speech a little after four o'clock, when the Committee rose, and obtained leave to sit again.

On motion, the House adjourned until Thursday next.

THURSDAY, January 2, 1817.

Another member, to wit: from the State of Virginia, JOHN G. JACKSON, appeared and took his seat.

A new member, to wit: from the State of South Carolina, STEPHEN D. MILLER, in the room of William Mayrant, resigned, appeared, was qualified, and took his seat.

Mr. CHAPPELL, from the Committee on Pensions and Revolutionary Claims, to which was referred the bill from the Senate "for the relief of the heirs of Landon Carter," reported the same with amendments, and the bill and amendments were committed to a Committee of the Whole.

On motion of Mr. TAYLOR, of New York, it was ordered that, in the discussion of the report of the Committee of Elections on the petition of Rufus Easton, contesting the right of Mr. SCOTT, (sitting Delegate from Missouri,) Mr. Easton shall be allowed a seat at the bar of the House in support of his petition.

Mr. LOWNDES moved that the Committee of Ways and Means be instructed to inquire into the expediency of making an appropriation to satisfy the claims of the friendly Creek Indians, whose property was plundered by the hostile Creek Indians, in consequence of the destruction of their property by the United States.

Mr. L. stated the grounds on which this motion was founded to be, that an expectation had been held out to them, during the negotiation of a treaty with them, that such allowance would be made; which intimation had been a strong inducement to them to sign the treaty between them and the United States, which has since become the law of the land.

The resolve was agreed to.

The bill for the relief of William Haslett was read a third time, and passed.

REMISSION OF DUTIES.

Mr. LOWNDES made a report on the petition of C. H. Sanders and Manuel Judah, which was read and ordered to lie on the table. The report is as follows:

That it is the object of the petition to procure a remission or repayment of duties which the petitioners have either secured or paid to the Government on account of spirits distilled within the United States. The ground of their claim is the destruction of these articles by fire.

The principle involved in this claim will probably materially affect the decision of many petitions which have been referred to the committee, and they have supposed that this consideration required that they should examine the subject with the utmost attention, and would excuse them for explaining their views of it more fully in their report than they have usually done in cases of private petitions.

The duties in question, like all indirect taxes, are considered by the petitioners as intended to fall upon consumption. Though paid upon the importation or manufacture of the article, they are designed only to operate as deductions from the income of the last purchaser—the consumer. But, where the article is destroyed, to make him pay the whole who it was not calculated either by the Government or himself should pay any part, seems the more unreasonable, as the loss makes an opening in the market for the same article; so that the Government, without injury to the merchant, may receive its fair contribution, proportioned to the consumption and resources of the country, and equal to what it would have been if the first article had not been destroyed.

Such are the arguments which may be employed in favor of the relief which is asked. The committee feel that in many cases such relief cannot be denied without much pain, but they think it cannot be granted without imprudence.

It is not denied that there would be some advantage in so laying the duty upon consumable articles that Government should receive its contribution, where he who buys for consumption makes his purchase. The duty would in this way add less to the price of the article, and nothing to the risk of mercantile operations. But it could be enforced only by a system of excise so rigorous and extensive that our attachment to civil liberty would make us reject it, independently of the difficulties which the sparse population of the country would oppose to its execution. Duties, then, upon consumable articles must be imposed upon their importation or manufacture, and the holder of them, upon paying the duty, finds their value as really enhanced as it would be by any equal expenditure for their security or transportation. Is it unjust that his whole property in the article, when enhanced in value, should be liable to the same dangers that it was before; that the money paid for its purchase, or for the duty upon it, should be sacrificed either by the want of vigilance which might have prevented its loss, or of prudence which might have secured the indemnity which the practice of insurance affords? The owner of the article has its custody, its disposition, the power of insuring it. The committee do not think that there is in the rule which throws the loss of the money paid for duties as well as the purchase-money upon the holder, an injustice which obliges the Legislature to abandon it at the hazard of encouraging such extensive frauds upon the revenue as a rigorous system of excise could alone repress.

If, indeed, the destruction of any article of merchandise in possession of the importer or manufacturer, on which duty has been paid, gives to him a claim to its repayment, every purchaser of similar merchandise for consumption or speculation, having paid the same duty in the shape of an enhanced price of the article, has the same substantial claim upon the justice of the Government.

It may be proper to remark that Congress have hitherto shown great unwillingness to relax the rule, the necessity of which the committee have endeavored to support. Applications of the same nature as that which is the subject of this report have probably been numerous in every session. But a few instances of the remission of tonnage duty where foreign vessels have been *forced* into our ports; two cases of remission of duties on the ground of peculiar misfortunes; a power given to the Secretary of the Treasury to remit unequal duties payable under a law which the same act suspended; and the remission of duties on tea in the custody (as the act expresses it) of the Government;—these are the only cases known to the committee in which the Government has remitted the duties which have accrued to it.

In a few instances, a prolongation of the credit upon revenue bonds has been accorded in cases of general calamity.

The committee recommend to the House a resolution that the prayer of the petitioners ought not to be granted.

AMERICAN FLAG.

Mr. WENDOVER from the select committee appointed to inquire into the expediency of altering the flag of the United States, made a detailed report, which was read; when Mr. W. reported a bill to alter the flag of the United States, which was read twice and committed to a Committee of the Whole on Monday next. The report is as follows:

The committee of the House of Representatives of the United States, appointed to inquire into the expediency of altering the flag of the United States, beg leave to report:

That they have maturely examined the subject submitted for their consideration, and are well aware that any proposition essentially to alter the flag of the United States, either in its general form or in the distribution of its parts, would be as unacceptable to the Legislature and to the people, as it would be uncongenial with the views of the committee.

Fully persuaded that the form selected for the American flag was truly emblematical of our origin and existence as an independent nation, and that, as such, it has received the approbation and support of the citizens of the Union, it ought to undergo no change that would decrease its conspicuity, or tend to deprive it of its representative character. The committee however believe that a change in the number of States in the Union sufficiently indicates the propriety of such a change in the arrangement of the flag as shall best accord with the reasons that led to its adoption, and sufficiently point to important periods of our history.

The original flag of the United States was composed of thirteen stripes and thirteen stars, and was adopted by a resolution of the Continental Congress, on the 14th June, 1777. On the 13th January, 1794, after

two new States had been admitted into the Union, the National Legislature passed an act that the stripes and stars should, on a day fixed, be increased to fifteen each, to comport with the then number of independent States. The accession of new States since that alteration, and the certain propect that at no distant period the number of States will be considerably multiplied, render it, in the opinion of the committee, highly inexpedient to increase the number of stripes, as every flag must in some measure be limited in its size from the circumstance of convenience to the place on which it is to be displayed, while such an increase would necessarily decrease their magnitude, and render them proportionably less distinct to distant observation. This consideration has induced many to retain only the general form of the flag, while there actually exists a great want of uniformity in its adjustment, particularly when used on small private vessels.

The national flag being in general use by vessels of almost every description, it appears to the committee of considerable importance to adopt some arrangement calculated to prevent, in future, great or extensive alterations. Under these impressions, they are led to believe no alteration could be made more emblematical of our origin and present existence, as composed of a number of independent and united States, than to reduce the stripes to the original thirteen, representing the number of States then contending for and happily achieving their independence—and to increase the stars to correspond with the number of States now in the Union—and hereafter to add one star to the flag whenever a new State shall be fully admitted.

These slight alterations will, in the opinion of the committee, meet the general approbation as well of those who may have regretted a former departure from the original flag and such as are solicitous to see in it a representation of every State in the Union.

The committee cannot believe, that in retaining only thirteen stripes, it necessarily follows they should be distinctly considered in reference to certain individual States, inasmuch as nearly all the new States were a component part of and represented in the original States, and inasmuch also as the flag is intended to signify numbers, and not local and particular sections of the Union.

JUDGE TOULMIN.

The SPEAKER offered to the House certain documents, transmitted to him by Edwin Lewis, of the Mississippi Territory, embracing charges of official misconduct in Harry Toulmin, one of the judges of that Territory. There accompanied the papers no memorial or petition, asking the attention of Congress to the subject; but simply a letter from Mr. Lewis, to the Speaker, requesting him to lay the papers before the House, and stating his ability to substantiate the allegations against Judge Toulmin, which papers, the SPEAKER, as he was bound to do by its rules, laid before the House.

Mr. GROSVENOR objected to receiving the papers in the shape in which they were offered to the House, not wishing to give to any unknown and irresponsible individual a chance of throwing into the House whatever calumny he might choose against a public officer.

Mr. RANDOLPH called for the reading of the papers offered, and proceeded to declare his dissent from the objection made by Mr. GROSVENOR. Mr. R. was ignorant of the parties; the charges might be a calumny. Such was the prevalence of slander, that, on the first blush of an accusation against the character of a respectable citizen, it was believed a slander. He meant not to be the exhorter or the instructer of the House, or to reprove its neglects; but the relation in which the House stood to the community, it had no right to disregard, and that relation gave every citizen a right to be heard. This House, like the English House of Commons, had been called the grand inquest of the nation. What, he asked, would be said of a grand jury who should receive an information of this kind, and because it was presented by this or that man, would have nothing to do with it? They might know the accused to be an upright man, and the accuser to be a madman; in that light they might disregard it; but in this case he knew neither the complainant nor the citizen complained of, and he thought the interest of the individual, as well as the respect due to our courts of justice, required that the subject should be inquired into. He should be sorry to see this House, from supineness or indifference, pass by a formal complaint from a citizen against a public officer, and should consider it a most inauspicious sign of the times. Among kings, he was considered as performing well who never shut his ears to the complaints of his subjects—and ours, Mr. R. said, should not be closed against the meanest citizen.

The papers were then read.

The reading of the papers having been finished, a motion was made by Mr. GROSVENOR, that Mr. LEWIS should have leave to withdraw his papers. This motion was superseded by a motion by Mr. WEBSTER to refer the papers to the Committee on the Judiciary.

On this question there arose a desultory debate, which occupied three hours, the importance of which does not appear to require its being reported at length. A brief summary of the course of the debate will afford sufficient information of the principal points it involved.

Mr. GROSVENOR commenced the discussion by condemning the serious reception of a memorial, which bore on the face of it marks of prejudice and passion, and neither supported by such evidence as entitled it to the respect of the House, nor by the avouchment of any member to the probable truth of its contents, or to the character of the memorialist. Under such circumstances, to refer the papers would subject the House to daily imposition from every vagabond who had malice and wit enough to string together accusations of a criminal nature against any officer of the Government, no matter how elevated his station.

Mr. RANDOLPH took a widely different view of the subject. He considered the right of petition to be proposed to be invaded by the objections taken by Mr. GROSVENOR to acting on those papers. Of the character of the memorialist he knew nothing, nor was it material, he contended, on the question of instituting an inquiry into the

conduct of a public officer. In support of which doctrine he adduced various illustrations, drawn from the practice before grand juries of finding bills on *ex parte* information, and on the accusation of professed informers, the most despicable of the human race. In this country, he argued, every individual had the same right as Mr. Jefferson, (late President,) who in his communication to Congress, after Burr's trial, had recommended to Congress to inquire whether the defect was in the evidence, in the law, or in the administration of the law—a recommendation as regarded the latter, which, Mr. R. said, any other member of society had the same right to make as the President. Mr. R. opposed Mr. Grosvenor's general view of the modifications and limitation of the right of petition, and adduced illustrations from British Parliamentary history to show the sanctity of the right of petition, according to the practice of that body, &c. Some of the charges in this memorial were of a serious nature, and susceptible of easy proof or refutation; and he was clearly in favor of giving a due examination to the subject.

Mr. Webster supported the general view taken by Mr. Randolph, and urged the reference of the papers as containing serious matter of inquiry. It was sufficient to secure attention by the House to a petition, that it was respectful in its terms to the House, and decent in the subject-matter. Mr. W. referred, also, to the practice of the House of Commons, and as a strong illustration introduced the case of a person (a member of the House of Commons, indeed, but that did not change the principle) who came from the pillory to that House, and was heard on an accusation against the Chief Justice.

Mr. McKee was opposed to the reference of these papers on the ground that a similar accusation, preferred in 1810 against Judge Toulmin, had been found to be frivolous; and such, he thought, there was a presumption amounting almost to certainty, was the fact in the present instance.

Mr. Grosvenor again took the floor against the reference, in reply to Mr. Randolph on the right of petition, which he would be the last to deny; but the right of petition did not embrace an obligation on the House to examine any charge against public officers, which malice or petulance might dictate. He referred to the various charges made, and inferred from the face of the memorial that they were either wholly false, or distorted into a shape the facts did not warrant.

Mr. Johnson, of Kentucky, would have consented to a reference of this memorial, did he not believe that the high character of Judge Toulmin, whilst in Kentucky, and so far as he had since heard of him, was such as to forbid the belief that there was any ground for the accusation against him; in which conviction he was confirmed by the information given by Mr. McKee, that this was not the first time the same person had impeached the conduct of the judge. He was therefore opposed to a reference of the papers.

Mr. Randolph again, at some length, explained his views of the right of petition, and of having petitions examined, and supported the proposition for a reference to a committee.

Mr. Southard followed on the same side. He thought such high charges advanced, some of them under oath, ought not to be disregarded by the House; for, if one-fourth of them were true, they afforded ample ground for impeachment of the judge. The subject ought at least to be examined.

Mr. Wilde opposed the reference of the papers, on the ground of his total disbelief in the statements of the memorialist. In allusion to the probability that the charges flowed from a spirit of animosity to Judge Toulmin on account of his official conduct, Mr. W. thought it very probable the fact was so; for, said he,

> What rogue e'er felt the halter draw,
> With good opinion of the law?

The absence of evidence, so easily to have been obtained if the charges had been true, was a strong reason with Mr. W. for disbelieving them.

Mr. Robertson made some forcible remarks in favor of the inquiry. He gave to the character of Judge Toulmin, as an intelligent judge and good citizen, its due praise. The Judge lived in a country divided into virulent factions; he had many enemies, many friends. The estimation in which the mass of the people held him, was proved by his being deputed by them to this city, whither he was now on his way, to represent their views respecting the erection of the Territory into a State. On the other hand, Mr. R. said, he knew nothing of Mr. Lewis, but from repeated letters to him on the subject, which proved that those charges were not of sudden creation, but long meditated. Making it a rule to answer all letters addressed to him, Mr. R. said, he had referred Mr. Lewis to Congress, as the proper body to redress his supposed grievances. Mr. R. said he thought it due to Mr. Lewis, but more due to Judge Toulmin, that an inquiry should take place, and put an end at once to all doubts which any man may entertain on the subject. He should, therefore, with a sincere disposition to do justice to Judge Toulmin, cheerfully vote for the reference of the memorial.

Mr. Culpeper stated his knowledge of Mr. Lewis's family in North Carolina, as being respectable, &c., and said he had frequently heard before of Mr. Lewis's complaints against Judge Toulmin.

The question on reference of the papers to the Judiciary Committee was determined in the affirmative.

Friday, January 3.

Mr. Herbert, from the Committee on the District of Columbia, reported a bill to provide for the erection of a court-house, and public offices, within the county of Alexandria, in the District of Columbia, which was read twice, and committed to a Committee of the Whole.

On motion of Mr. Thomas, the Committee on

the Judiciary were instructed to inquire into the expediency of making an additional judicial district in the eastern part of the Mississippi Territory, to be composed of the counties of Washington, Clark, and Monroe, together with such other counties as the Legislature of the Territory may lay off between the rivers Tennessee and Alabama.

On motion of Mr. PARRIS, the Committee on Military Affairs were instructed to inquire into the expediency of so modifying the act, passed at the last session of Congress, entitled "An act making further provision for military services during the late war and for other purposes," as to extend the time in which guardians of the minor children of deceased soldiers may relinquish the bounty land and claim the half pay, as provided by the second section of the act aforesaid.

Mr. PARRIS, in offering the above resolution for consideration, observed, that, by adverting to the second section of the act of the last session, authorizing the guardians of the minor children of deceased soldiers to relinquish their claim to the bounty land, and receive in lieu thereof half pay for five years, it would be perceived that unless such relinquishment was made previous to the 16th of April next, the heirs would be forever barred from accepting the benefit of that act. He had no doubt that there were many suffering families of the deceased soldiers of the late war, to whom the provisions of the second section of that act had never been made known; many orphans who were yet ignorant of the provisions which were the last session made for their relief. He had no doubt but the same disposition which was manifested in passing the act, would induce the House to extend its provisions, that the destitute families of the soldiers who had died in our service might find some small relief in our munificence. He in fact had good reason to believe that, in the remote section of the Union which he had the honor to represent, an extension of the time would be particularly desirable, as there were many who had not availed themselves of the provisions of the act of the last session, before alluded to, that he was certain would have done it long since, had they been informed of its existence.

On motion of Mr. CLENDENNIN, the Committee on Pensions and Revolutionary Claims were instructed to inquire into the expediency of causing the widows and orphans of the non-commissioned officers, musicians and privates of militia and volunteers, who died in the service of the United States previous to the 31st day of December, 1812, to be placed on the pension roll at the same rate as the widows and orphans of the above described corps, who died subsequently to the said 31st day of December, 1812.

On motion of Mr. DICKENS, the Military Committee were instructed to inquire into the expediency of providing, by law, for the relief of such of the officers and soldiers of the Revolutionary war, who faithfully served, and are now reduced to want, and unable to support themselves.

On motion of Mr. REYNOLDS, it was ordered that the Message from the President of the United States, received by this House on the 18th day of January, 1816, recommending the confirmation of certain grants of land made by the friendly Creek Indians to General Jackson, Benjamin Hawkins, and others, be referred to the Committee on Private Land Claims.

MISSOURI CONTESTED ELECTION.

The House then went into a Committee of the Whole, on the report of the Committee of Elections, on the petition of Rufus Easton; which report pronounces Mr. SCOTT, the sitting Delegate from Missouri Territory, not entitled, and Mr. Easton, the petitioner, to be entitled to a seat in this House. [The committee, it appears, have framed their report on the ground of gross and undeniable illegality of the election in one of the districts in the Territory; which election being set aside by the committee, gave a majority of votes to the petitioner—and, without going into the examination of individual votes, or the qualification of the voters, the election being by ballot, they declare in favor of the petitioner.]

The report and documents being read, the Committee rose and reported progress, and were refused leave to sit again; thus bringing the subject immediately before the House.

Mr. WEBSTER opposed the report, principally on the ground of its being predicated only on illegality in a separate election, without entering into an examination of the qualifications of the voters generally; and concluded by moving the recommitment of the report to the Committee of Elections, with instructions "to receive evidence that persons voting for either candidate were not entitled to vote in the said election."

On this motion a wide debate took place, chiefly on the point whether votes given by ballot, and of course privately, could be afterwards ascertained, or the voter called in to declare for whom he had voted, when the very object of the mode was to afford secrecy and freedom to the elector; also on the eligibility of elections by ballot or of those *viva voce*, and on the propriety of reversing an election without first ascertaining the legality of the votes which decided it. Besides these main questions in the debate, it embraced an inquiry into the particular circumstances of the case at issue, and many incidental points, by the various speakers.

Those gentlemen who advocated the recommitment, were Messrs. WEBSTER, RANDOLPH, SHEFFEY, CALHOUN, PITKIN, TELFAIR, and THOMAS; and those opposed to it, Messrs. TAYLOR of New York, PICKERING, WRIGHT, and ROSS.

Mr. CADY doubted very strongly whether the Delegates from the Territory could be considered as officers of the General Government, but rather as mere agents for the Territories, allowed by courtesy to sit and speak in the House, without anything to do with the general concerns of the nation; and their election therefore not properly coming before the House. He, therefore, moved to lay the subject on the table.

Mr. RANDOLPH also questioned the propriety of

considering the Delegates in any other light than mere agents of the Territories, without any title to the privileges of the members, which they now enjoyed, (except the right of voting,) and was in favor of laying the report on the table.

On the question to lay the report on the table, the ayes and noes were equal, being each 68, and the Speaker decided against the motion.

The question then recuring on the recommitment, much more discussion followed; after which, the petitioner (as allowed by a vote of the House) rose to support his pretensions; when, on motion, the House adjourned.

Saturday, January 4.

The Speaker presented a petition of the Legislature of the Mississippi Territory, praying that such persons as have settled upon public lands in that Territory, may be permitted to remain thereon until the same shall be exposed to sale.—Referred to the Committee on the Public Lands.

Mr. Lowndes, from the Committee of Ways and Means, reported a bill directing the discharge of Oliver Spellman from imprisonment, which was read twice, and ordered to be engrossed and read a third time on Monday next.

Mr. Hugh Nelson, from the select committee, appointed on the 30th ult., reported a bill extending the time for locating Virginia military land warrants, and for returning the surveys thereon to the General Land Office, and for giving further time to complete the surveys and to obtain patents for lands located under Virginia resolution warrants; which was read twice, and committed to a Committee of the Whole.

On motion of Mr. Cannon, the Committee on Roads and Canals were instructed to inquire into the expediency of improving the navigation of the Muscle Shoals, in Tennessee river.

CONTESTED ELECTION.

The House resumed the consideration of the report of the Committee of Elections on the petition of Rufus Easton, contesting the right of John Scott to a seat in the House as a delegate from Missouri Territory.

Mr. Easton (the petitioner) rose for the purpose of defending his right to a seat in the House. He spoke on the subject at considerable length, and examined the various points and bearings of the case.

When Mr. Easton concluded—

Mr. Betts of New York, on the ground of his belief that the Delegates from Territories cannot be considered members of this House, and that of course the House is not the proper judge of the correctness of the returns of their election, moved that the subject should be indefinitely postponed.

Mr. Robertson, of Louisiana, opposed the motion, and repelled, with some force of expression, the idea of the unimportance of the Delegates, which some gentlemen appeared to entertain. The people of the frontier country had rights as well as the people of the States, of which distance ought not to deprive them; and their Delegates (or Representatives) had duties to perform here as important to their constituents, as essential to the rights of the citizen, as any member of this House. It was therefore of high importance that they should be represented by the person who had a majority of their votes; and that the House should determine that question.

Mr. Wright, of Maryland, thought, with Mr. Robertson, that the House were bound to decide between the sitting member and the petitioner. He then went on to discuss the merits of the question before the House, on the report of the committee.

Mr. Betts spoke again in support of his motion, and further explained his views on the question he had raised.

Mr. McKee, of Kentucky, seconded Mr. Betts's views. The Delegates, being unknown to the Constitution, and authorized by the law only, which law did not prescribe or restrain the right of judging of the legality of their election, Mr. McKee concluded that the House had no right to examine into the subject, but were bound to take the return as conclusive evidence of the election.

Mr. Ross, of Pennsylvania, controverted this doctrine. The right of judging of the correctness of the returns, he contended, arose from the nature of things; otherwise the right of election, allowed by law to the people, would, in fact, be adjudged to belong to the Governor, the returning officer in this case, who might, without appeal from his decision, return whom he pleased as the Delegate.

Mr. Gaston, of North Carolina, supported the opposite side of the question, from a conviction which had grown upon him, from consideration and examination, since the question was first presented to the House. Mr. G. quoted the laws on this subject, and contended that the House had no power judicially to decide on the qualification or right of a Delegate to a seat in this House, since a Delegate was not a member of the House according to the Constitution, and there was no provision, in the laws authorizing the Territories to send Delegates, which gave to this House the power of revising the legality of their election. Mr. G. was not, however, in favor of indefinite postponement, thinking it but respectful to the people of the Territory and the petitioner to give more serious consideration to the question.

Mr. Webster, of New Hampshire, spoke in reply to Mr. Gaston. If the return of a returning officer were to be conclusive evidence, he asked, in the course of his argument, what course would the gentleman pursue, if the returning officer should grant two certificates to different persons?—a thing by no means impossible. Should both be allowed to take their seats, or would not the House examine which of the two had the correct return? From the nature of things, Mr. W. contended, it could not be but it was the right and duty of the House to decide in cases of contested election of Delegates.

Mr. P. P. Barbour, of Virginia, took the same

ground as Mr WEBSTER, which he argued at some length, and with much clearness, contending that the House either had jurisdiction or it had not; if it had not, it had no right to look at the return, for any purposes, or at the corrrespondence of the return with the member who took the seat; if it had jurisdiction, it had certainly a right to examine, on any point whatever, the validity of the return. Otherwise, the absurdity would follow, that any man whatever, claiming a seat as Delegate from a Territory, would have a right to take it; whether duly elected or not.

Mr. GASTON, of North Carolina, spoke again in support of his views. He quoted cases from other grades of office, which he considered as analogous to that embraced in the question before the House; that, for instance, of a Judge exhibiting a commission from the proper authority; into the legality of which his colleagues of the court have no power further to inquire, than that the certificate is in the usual form, and signed by the Executive authority.

Mr. SHEFFEY, of Virginia, denied the correctness of the doctrine, which, he said, had been broached on this occasion, and which, if sanctioned by the House, would lead to the most extraordinary consequences. Mr. S., besides the general grounds of opposition to the motion for postponement, was desirous to adhere to the precedent already established, by the House having in 1809 taken cognizance of a contested Territorial election; respecting which it was not at all material that it was not of the same nature as the present question; since, if the House had a right to inquire into the right of a Delegate to a seat on one ground, they had the same right on any other.

Mr. CADY, of New York, was against the expediency, if not the right of the House to inquire into the election of a Delegate. He instanced a case, which he contended was analogous—that of a foreign Minister, presenting to the President his credentials; suppose another person should present himself, and say that he was the real representative of his Government, the other having obtained his certificate by fraud. Would the President go into an examination of the relative right of each, and decide which was the true representative of the Government? Or would he not reject both, and refer them to their constituent authority to remedy the error, if any? Mr. C. was in favor of indefinite postponement.

Mr. PICKERING, of Massachusetts, argued, from the right of the people of the Territories to have a Delegate on this floor, established by law and the Constitution, that they had a right to be correctly represented; and that, therefore, it was the right and duty of the House to inquire into the validity of their election, when contested.

The question on indefinite postponement was decided in the negative by a large majority.

Mr. HARDIN, of Kentucky, contended, that the power of judging of the qualifications and returns of its own members (and Delegates were *quasi* members,) was inherent in every Legislative body, and not necessary to be expressly bestowed on it; and that, therefore, this House had ample power in the case before them. He argued the question at some length.

Mr. RANDOLPH replied to Mr. PICKERING and Mr. HARDIN, and contended against the power of the House in this respect. If it had the power, he contended, it was a concurrent power with the Senate, as the Delegates were to the Congress and not this House, though it had been deemed convenient and expedient to admit them to seats in this House rather than in the Senate.

Mr. SMITH, of Virginia, taking for granted the right of the House on the subject, proceeded to the examination of the question, he conceived to be actually before the House, whether, on the facts reported by the committee, the sitting member or the petitioner was entitled to a seat in this House? Mr. S. was in favor, as the evidence presented itself to him, of the right of Mr. EASTON to a seat. If satisfied, by evidence now in possession of the sitting member, of bad votes having been given, he would be willing to recommit the report.

Mr. SCOTT (the sitting Delegate) stated, that there was now on the table evidence of one hundred and fifteen bad votes, eighty-seven of which were, by the evidence, fixed to have been given for the petitioner.

Mr. TAYLOR, of New York, defended the report of the Committee of Elections, contending, that the decision of the qualifications of voters at elections ought to be left to the judges of the election in the present case, and in most other cases of contested election; not because this House had not the power, but because it was not practicable for the House properly to scrutinize them. As to the qualifications of the voters, evidence was even now taking in some of the counties of the Territory, in regard to the qualification of voters, which could not arrive in time to be examined at this session, and which might present a totally different view of the relative good or bad votes. Mr. T. opposed the recommitment, and prayed the House to decide on the report of the committee.

After some further remarks by Mr. RANDOLPH in favor of recommitment—

The question on recommitment, as moved yesterday, was taken by yeas and nays, and decided—For recommitment 86, against it 50, as follows:

YEAS—Messrs. Adams, Archer, Atherton, Baer, Barbour, Bassett, Baylies, Bennett, Birdseye, Blount, Boss, Breckenridge, Brown, Burwell, Calhoun, Carr of Massachusetts, Cilley, Clayton, Condict, Cooper, Crawford, Crocheron, Culpeper, Davenport, Dickens, Edwards, Forney, Forsyth, Gaston, Hardin, Hawes, Hendricks, Herbert, Huger, Hulbert, Hungerford, Ingham, Jackson, Johnson of Virginia, Langdon, Little, Love, Lovett, Lowndes, Lyle, Lyon, Marsh, Mason, McKee, Mills, Milnor, Moseley, Jeremiah Nelson, Hugh Nelson, Thomas M. Nelson, Noyes, Ormsby, Peter, Pickens, Pickering, Piper, Pitkin, Pleasants, Randolph, Reed, Reynolds, Roane, Ruggles, Savage, Sheffey, Smith of Pennsylvania, Smith of Maryland, Stearns, Sturges, Taggart, Tallmadge, Taul, Telfair, Thomas, Tyler, Ward of Massachusetts, Webster, Wheaton, Wilcox, Wilde, and Yancey.

NAYS—Messrs. Adgate, Baker, Birdsall, Brooks, Bryan, Cady, Caldwell, Clark of New York, Clarke of North Carolina, Clendennin, Comstock, Conner, Findley, Fletcher, Gold, Griffin, Hahn, Hale, Hall, Hammond, Heister, Hooks, Irving of New York, Jewett, Johnson of Kentucky, Kent, Kerr of Virginia, King, Law, William Maclay, William P. Maclay, Moffitt, Moore, Parris, Robertson, Ross, Smith of Va., Southard, Taylor of New York, Vose, Wallace, Ward of New York, Wendover, Whiteside, Wilkin, Willoughby, Thomas Wilson, William Wilson, Woodward, and Wright.

The question was then taken, "Shall the committee be instructed as aforesaid?" And also passed in the affirmative.

MONDAY, January 6.

Mr. MILLS presented a petition of the inhabitants of the town of Southampton, in the State of Massachusetts, praying that the mails may not be transported or opened on Sundays; which was ordered to be referred to a select committee; Mr. MILLS, Mr. INGHAM, Mr. MCKEE, Mr. MARSH, and Mr. TYLER, were appointed the committee.

Mr. STEARNS presented a similar petition from the inhabitants of the district of Norfolk, in said State, which was referred to the committee last appointed.

Mr. YANCEY, from the Committee of Claims, made a report on the petition of Caze and Richaud, which was read: when Mr. YANCEY reported a bill for the relief of James Caze and John Richaud, which was read, and committed to a Committee of the Whole.

Mr. LOWNDES laid before the House a letter addressed to the Committee of Ways and Means, by the acting Secretary of War, enclosing detailed statements, on which were founded the estimates for the expenses of the Army of the United States, for the year 1817, including arrearages, which were ordered to lie on the table.

Mr. FORSYTH submitted the following resolution, which was read and ordered to lie on the table:

Resolved, That the Committee on the National Currency be instructed to inquire whether the President and Directors of the Bank of the United States have adopted any arrangement by which the payment of the specie portion of the second instalment can be evaded or postponed; and, if such arrangement has been made, the expediency of adopting some regulation by which the payment of the specie portion of the second instalment may be enforced at the time required by the act of incorporation, or within a limited time thereafter.

Ordered, That the committee to whom is referred the letter and report of the Acting Secretary of War, on the letter of Major General William Henry Harrison, respecting his expenditure of public money, while commanding the northwestern army, during the late war with Great Britain, have power to send for persons and papers.

A message from the Senate informed the House that the Senate have passed a bill entitled, "An act for the relief of the legal representatives of Ignace Chalmet Delino, deceased, and of Anthony Cruzat, and L. P. Deverges," in which they ask the concurrence of this House.

The SPEAKER laid before the House a letter from Richard Bland Lee, Commissioner of Claims, &c., expressing his regret at the omission to pursue the inquiry into his conduct, and courting further investigation; defending also his decisions, and particularly those three animadverted upon by the Committee of Claims in their report, and throwing himself on the justice of the House to rescue his character from unjust obloquy.

The letter having been read, was, on motion of Mr. FORSYTH, referred to the Committee of the Whole, to whom had been referred the bill to amend the Claims law.

The engrossed bill to authorize the discharge of Oliver Spellman from his imprisonment, was read a third time, and passed.

TRANSFER OF APPROPRIATIONS.

Mr. LOWNDES laid before the House a letter addressed to the Committee of Ways and Means, by the Secretary of the Treasury, respecting the expediency of repealing so much of the act of the 3d March, 1809, as authorizes the President to transfer appropriations, which was read, and ordered to lie on the table.

The letter is as follows:

TREASURY DEPARTMENT, *Jan.* 1, 1817.

SIR: Your letter of the 21st ultimo, enclosing a resolution of the House of Representatives of the 30th ultimo, directing the Committee of Ways and Means to inquire into the expediency of repealing so much of the act "further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments," passed the third of March, 1809, as authorizes the President of the United States to transfer appropriations, has been received.

In giving my opinion upon the subject-matter of the resolution, it may be proper to state the causes which led to the adoption of the law, embracing the provision which is contemplated to be repealed by the resolution. Antecedent to that period the appropriations were, by some of the Departments, considered as an aggregate sum to be applied, without distinction in their accounts, to every branch of service embraced by the appropriation. In the Navy Department, for instance, there was but one account opened in the Treasury books, because the requisitions made by the Department were drawn for the Navy Department generally, and the sums thus drawn were applied to the naval service, without regard to the amount which had been specifically appropriated for the different branches of the service within that Department.

In changing this practice, the necessity of giving the power to transfer from one head of appropriation to another, according to the exigencies of the service, was foreseen. This power was given to the President; and, in order to furnish to Congress the information which it was deemed essential to possess, every transfer of appropriation, together with the application of the money so transferred, was required to be communicated to Congress during the first week of their session thereafter. If no transfers were made, Congress knew the maximum applied to each head of appropriation. If transfers were made, they obtained informa-

tion equally interesting and useful to them in providing for the wants of the succeeding year. The transfers disclosed to them those branches of the service, in each Department, where the appropriations had been redundant, as well as where they had been deficient. They obtained, without injury, a knowledge of the application of the sum transferred, as well as of the sum originally designated for that object. This was the desideratum intended to be obtained by the adoption of that measure.

By reducing the heads of appropriation, the necessity of exercising the power of transfer will, no doubt, be considerably diminished. During a period of peace, and after the Naval and Military Establishments have remained for a considerable time without alteration as to organization or force, it is probable that it will be but rarely exercised. It is believed, however, that a full consideration of the subject will lead to the conviction that the power ought to be retained in peace as well as in war. A change in our relations with a foreign State, during the recess of Congress, which would render it prudent to concentrate the regular force in any section of the country, would increase the expense of the Quartermaster's department beyond the regular appropriation. Expenses incurred under such circumstances must generally be discharged as they are incurred. This could not be effected without the power of applying the redundancies of other appropriations to meet the deficits produced by such an emergency.

There does not appear to be any necessity for extending this power to the permanent appropriations of the land or naval service. The appropriations for arming the militia, for the armories, and for arms and military stores, and for the permanent increase of the Navy, may with great propriety be exempted from the operation of this power. It is to the current expenses of the land and naval force authorized to be kept in service during the year that this power should be confined. Within those limits it is not believed that the power can be exercised to the injury of the nation. Without this power, the War and Navy Departments would be compelled to make ample estimates for every branch of the service, as a deficiency in any one might be productive of serious consequences. The idea that economy will be enforced by repealing the provision will, I am confident, be found to be wholly illusory. Withdraw the power of transfer, and the Departments will increase their estimates. In some branches of the service there will be redundancies, in none will there be deficiencies. These redundancies, continuing from year to year, will be more likely to excite to profusion in those branches of the service than if they were transferred to the appropriations which were insufficient. The law, as it now stands, furnishes those whose duty it is to appropriate the money and superintend its application with all the information which is necessary to the execution of that high trust. By reducing the heads of appropriation, the labor of keeping the accounts of the Treasury, as well as of the other Departments, and in the settlement of accounts, will be greatly diminished. This reduction, however, as before stated, will not supply the place of the power of transferring from one branch of the service to another. It may be proper to observe that the power of transfer is applicable only to the War and Navy Departments.

I have the honor to be, very respectfully, sir, your most obedient servant,

WM. H. CRAWFORD.

Hon. WILLIAM LOWNDES,
Chairman Committee of Ways and Means.

ESTIMATE OF APPROPRIATIONS.

The SPEAKER laid before the House, a letter from the Secretary of the Treasury, transmitting an estimate of moneys necessary to be appropriated for the service of the year 1817, which were ordered to lie on the table.

The letter is as follows:

TREASURY DEPARTMENT, *Jan.* 4, 1817.

SIR: I have the honor to transmit, herewith, for the information of the House of Representatives, an estimate of the appropriations proposed for the service of the year 1817, amounting in the whole to $12,451,799 57, viz:

For the civil list	$1,049,940 06
For miscellaneous expenses	394,241 65
For the expenses of intercourse with foreign nations	321,233 32
For the Military Establishment, including arrearages and Indian Department	7,699,625 79
For the Naval Establishment, including the marine corps	2,986,658 75
	$12,451,799 57

The funds out of which the appropriations for the year 1817 may be discharged are the following:

1. The sum of $600,000, annually reserved by the act of the 4th of August, 1790, out of the duties and customs, towards the expenses of Government.

2. The proceeds of the stamp duties, and the duty on sugar refined within the United States.

3. The surplus which may remain of the customs, the direct tax, and other internal duties, after satisfying the payments for which they are pledged and appropriated.

4. Any other unappropriated money which may come into the Treasury during the year 1817.

I have the honor to be, very respectfully, sir, your most obedient servant.

WM. H. CRAWFORD.

Hon. SPEAKER *of the House of Reps.*

PAYMENT FOR LOST PROPERTY.

The House again resolved itself into a Committee of the Whole, on the bill to amend the act authorizing the payment for property lost, &c., in the military service of the United States during the late war—Mr. JOHNSON'S amendment, going to substitute a new bill, under consideration.

Mr. HARDIN first rose in support of the report of the Committee of Claims, and against the amendment. He made some animadversions, as when he spoke before, on the Commissioner and his decisions. He denied his competency, and arraigned his awards; but, if he were ever so competent, and as honest as Aristides himself, such were the facilities to fraud in the law, that, without amendment of it, as proposed by the Committee of Claims, the United States would be subject to many and great impositions. In regard to the letter of the Commissioner of this morning, Mr. H. took occasion to say he did not know under what authority the letter had been introduced into the House. The Heads of Departments, to be sure, did sometimes dictate to the

House; but he never before knew that a little, petty Commissioner, (to use his own expression,) had a right to bring forward his lectures to this House how to act, and tell them what ought to be the amendments to existing laws. He did not know, indeed, that the Commissioner had any right to address Congress, unless defending himself before them on an impeachment, &c. Mr. H. then examined the three cases referred to by the Committee, and minutely analyzed them, according to his views of the evidence, and concluded, from his idea of them, and from circumstances already referred to in argument, that the large claims ought to come specially before the House. Mr. H. entered at large into the general question of national policy and duty, in regard to indemnifying its citizens for losses of private property, and objected to the wide scope which had been given, in the preceding debate on this subject, to the principle of making payment for individual property destroyed during the war; at the same time that he would not, if he could, nor would the Committee of Claims, debar just claimants under the ninth section of the act from full payment of their claims. Mr. H. again assailed the capacity of the Commissioner, of which, he said, he had shown his own consciousness in requesting of the departments an exposition of their views of the construction of the act. He then went into an examination of the proposed amendment, which he entirely disapproved, and condemned as a mere shadow. He could see no good reason why the report of the Committee of Claims should not be agreed to; and concluded by expressing his regret that the dignity of the House should have been wounded by the Speaker's imputations on its capacity, or disposition to do justice to private claimants.

Mr. P. P. Barbour next took the floor, to sustain the bill before the House, and to oppose the amendment. In doing which he did not propose to enter into an examination of the particular awards of the Commissioner, which others had reviewed, nor to impute any censure to the Commissioner. After replying to one or two arguments which had been opposed to the bill, he came to the general position he rose to support, that the class of cases embraced by the ninth section of the law of last session, was such a one as the Legislature ought to keep to itself, and, in respect thereto, to declare and execute the rule of decision. In regard to the general question as to the extent of the liability of the Government to indemnify its citizens for losses by war, he said that there was one class of cases in which the Government was bound to indemnify; another class, in which it was not so bound; and a third, of a dubious nature, the character of which varied with varying circumstances. These he defined, after going for his illustrations to the fountain of the origin, and tracing down the stream to the present state of the laws of war. The latitude which had been given to this principle in debate the other day, he did not allow; it proceeded, certainly, from a noble generosity of heart, but could not be sustained on practical grounds. The evils of war, Mr. B. showed, in the course of his argument, must operate unequally; it cannot be otherwise. Among other illustrations of this position, he cited the inequality of the contributions of personal service; the inequality of the prices obtained for produce in various parts of the country, the losses of slaves, &c.; all which inequalities, he said, it would be out of the power of the Government, if disposed, to obviate. The obligation on the United States, he laid down to be, to indemnify, as matter of right, all those losses produced by an enemy according to the rules of civilized war, and of which the Government was the direct and proximate cause of the destruction. If we pass beyond this line, we shall be at sea with neither chart nor compass to guide us; we shall lose ourselves in a labyrinth of infinite perplexity, without a clue whereby to extricate ourselves. Mr. B. next dwelt on the complexity and the importance, in principle and amount, of the cases embraced in the ninth section of the law of last session; which, therefore, he desired to repeal, and subject the cases to the decision of this House. The expediency of this course he argued at length, and replied to the various objections which had been urged against it; justifying the discrimination between the claims in the mode of adjudication, on the ground of the great difference of importance, both as to principal and amount, of the two classes of cases. Mr. B. concluded an ingenious and logical speech by a defence of the capacity of the House to decide on cases of individual claims when presented to them.

Mr. Comstock supported the amendment. He considered this question one of much importance, as well to the character of the Government as to the situation of many of the unhappy sufferers in the late war, those whose property had been taken from them by the strong arm of power, which they had neither ability nor right to resist. Justice, he said, required that they should be indemnified for their losses; of which there was comparatively little prospect, if the ninth section of the law of the last session was repealed, insomuch that most of the just claimants would, from that moment, he presumed, consider their case as hopeless. Mr. C. concluded his observations by suggesting a further amendment, proposing the appointment of an agent to examine witnesses on the part of the United States, in cases in which the President or Secretary of the Treasury shall think it necessary.

Mr. Forsyth said, he was decidedly opposed to the amendment of Mr. Johnson, among other reasons, because he denied that it was possible for any head of a department so to revise the execution of the act as to prevent abuses. That there had been error in the construction of the law, he said could be demonstrated; but acquitted the Commissioner of great error in this respect, since he had acted under higher authority—the President of the United States having directed the Commissioner to travel out of the act to pay for all property destroyed by the enemy, in consequence of mere military occupation,

leaving the Commissioner to determine the question what constituted military occupation. Mr. F. was desirous of repealing the 9th section, to give Congress control over those cases. Mr. F. proceeded to reply to an intimation of Mr. CLAY on a former day, as understood by him, that out of seven or eight hundred cases decided by the Commissioner, three only had been selected as objectionable. This was an erroneous statement certainly, since it was known that those three only had been the subject of examination. Mr. F. said he had made it his duty, since the former debate on the subject, somewhat to examine the decisions of the Commissioner, and had examined a number of cases; and out of forty or fifty of them, he said, there were at least thirty decided, as he conceived, on grossly erroneous evidence. The papers were in possession of the House, and any one might examine in detail those cases, of which he had a memorandum in his hand. Mr. F. then proceeded to analyze several cases, commenting on the evidence, and denying its sufficiency. Some of the cases, he intimated, had been favorably decided by the Commissioner after being rejected, for deficiency of vouchers, by the Accountant of the War Department, in the settlement of a deputy quartermaster general's (Major Camp's) accounts, &c. A person who could admit claims on evidence of this description, Mr. F. said, was not to be trusted, and no revision could insure correctness to his conduct. As something like evidence of the injustice of the impression which the Speaker's remarks appeared to him calculated to produce, this exposition he considered to be due, not only to himself, but to the House, of errors, which persons who had a great deal of charity supposed to be errors of judgment. He did not, however, desire the House to impute error to the Commissioner upon his (Mr. F.'s) statements, but he asked that the facts which he had stated should be taken for true till gentlemen convinced themselves otherwise. Mr. F. concluded a speech, of which the preceding is a mere outline, by an intimation that he had intended to say something about the management of this business in and out of the House, which he should for the present reserve.

Mr. JOHNSON, of Kentucky, followed Mr. FORSYTH in debate. He rose, he said, principally to say that his opinion of the Commissioner, and of his administration of the law, remained unchanged, anything the gentleman last up had said to the contrary notwithstanding; and to state that the same claims would have been passed, on the same evidence, by the very tribunal to whom the gentleman wished to refer the decision of these cases. He did not hesitate to say, from the gentleman's own showing, that he (Mr. J.) would himself have given the same decision as in these cases had been given by the Commissioner, without fear of the revisionary power of this House, much less of that power which would always control his conscience here and elsewhere. Mr. J. said he had also made it his duty to examine the conduct of the Commissioner, and he emphatically testified to his capacity, to his integrity, to his fidelity, and to his character, for honesty and intelligence. So far as the testimony of the humble individual addressing the House could go, it should rescue the character of this individual from any imputations. Mr. J. said he had nothing to do with the opinions of others, but in his opinion the construction by the Commissioner, as well of the law as of the testimony under it, would bear the test of reason as well as of patriotism, Mr. J. argued at some length on the injustice of repealing the 9th section of the law. Gentlemen might not intend it, but, whatever they might say in argument to the contrary, the principle was gone forever, and all hope of relief to the sufferers with it, if the 9th section of the law were to be repealed.

Mr. CLAY (Speaker) next took the floor. He said the gentleman from Georgia had intimated that there was something he had to say, if he was provoked, respecting *management* of this business out of the House. As the gentleman had done him the honor to refer to him in another part of his speech, perhaps he meant also to refer to him in this remark. [Mr. FORSYTH said, in the remark he had made respecting management out of the House, he had no allusion to any member of the House.] Mr. C. intimated his satisfaction at this explanation, and went on to reply to Mr. BARBOUR, whose able and ingenious argument, he said, called for an answer. The general principle which, Mr. C. said, he had before laid down, and now meant to sustain, was, that, in regard to property within the jurisdiction of a State, if it fails in its highest obligation to protect that property, the State is bound to make indemnity to the sufferer, if, from the nature of the Government, and without too great a dilapidation of its means, it can do it without any great injury to society. He had no idea of carrying his proposition to the extremes which gentlemen had supposed, for there was no principle which, if traced too far, would not be absurd. There must be certain limitations to every rule. The qualifications to the doctrine he had advanced, which he had before mentioned, and which he now repeated, and illustrated by argument, were, that the losses should have been sustained on land, in a war of voluntary declaration, necessary or unavoidable, and not exceeding in aggregate amount the ability of the country easily to pay. Society, he argued, was a compact between those who compose it, by which they agree that contributions for the common defence shall be equal; and there ought to exist an obligation by which those losses should be equally apportioned, to which individuals were for a common object exposed.

Quitting this discussion, not necessarily connected with the question before the House, but introduced into it, and, therefore, proper to have been examined, Mr. C. adverted to the proposition to repeal the 9th section of the law of the last session, the principle of which, he maintained, was indisputably correct. It was immaterial to him, he said, whether the Commissioner was re-

tained, or whether the decision of the claims should be left to the Department of War, &c. But he was anxious they should not be thrown back on this House, who, he said, were incompetent, not from their mental composition, but from their physical character, to decide on a mass of claims. He complained of misrepresentation of his language on this subject, in a former debate, as though he had reflected on the character or dignity of the House. He was glad to find, he said, that the dignity of the House had got into the hands of his honorable colleague from Kentucky, (Mr. Hardin,) where he hoped it would remain untarnished. Did it detract from the dignity of this House, to say that they were not competent to Executive as well as Judicial administration? If they were, whence the principle now established as an axiom in all well regulated governments, that there should be a marked division of duties between different departments? Mr. C., after showing, from the organization of the House, the impracticability of acting on large classes of cases of private claims, adduced several instances in which, under our Government, Congress, acting on that presumption, had appointed commissioners for deciding on claims and adjusting accounts. With regard to the expression, to which gentlemen had taken so great exception, that the right of petition was a mere right to have a petition rejected, Mr. C. said it was not to be taken as universally true, for some few claims were occasionally allowed; but with regard to numberless claims, there was either a denial, or a protraction equal to a refusal of them. Not that the House was not disposed to do justice; but, from the constitution of the body, and from the multiplied duties of a public and higher nature they had to discharge, it was impossible to give due consideration to all private petitions. This position he illustrated by a reference to the report of the committee of investigation into Mr. Lee's decisions, who declined the task because of its laborious character. If a committee could not even look at the testimony in these cases, how could a body of a hundred and fifty members have passed on these claims during this session, as they might have been petitioned to do, had no commissioner been appointed?

Returning to the question on the 9th section, Mr. C. said, if a house was conflagrated in a city, the spontaneous bounty of individuals was awakened, and the distress relieved or alleviated by voluntary contributions; and, yet, in the case of a war prosecuted with so much advantage, honor, and fame to the country, the total loss of property in which did not exceed a million or a million and a half of dollars, we will not afford relief, because, according to certain speculative notions, we are not bound to do it! If the nation were in a state of poverty, the reasoning might have weight; but it was otherwise—there was a surplus in the Treasury. What invidious comparisons, he asked, would not the suffering citizen on the Niagara make between the British Government and ours, when he can pass in a canoe the narrow strait that separates us, and find an investigation of the claims for all losses, with an implied promise to indemnify the sufferers? What a parallel will he draw between even his own State, stepping forward and granting him partial relief, and the General Government refusing it! I know, said Mr. C., in conclusion of his animated speech, it has been intimated that the sufferers may come individually to Congress for redress; but what chance has the poor man who has lost his all, or without means to pay heavy expenses, to come here session after session, and at last perhaps never succeed in establishing his right? No, sir, said Mr. C., it is not inconsistent with our dignity to refer the decision of these claims to another tribunal than this House: legislate as becomes you, and then indeed you will consult the dignity of the House and the character of the Government.

Mr. Calhoun, in reply to Mr. Clay, said, that he had not understood the proceeding of the British Government on the Niagara frontier as an implied promise to indemnify the sufferers, but rather as an examination into the nature and extent of the loss, to be laid before the Government for its consideration—a proceeding very proper, even for this Government in similar circumstances. As to the conduct of the Emperor Alexander, to whom the Speaker had in a former debate referred, he said it was also very doubtful what was the object of his visit to the interior, whether for the purposes of munificence, as reported on the one hand, or for the administration of justice and inflicting punishment, as reported by others. Be it as it might, in either of these cases, Mr. C. said, we ought not to go abroad for examples, but to regulate our conduct by the rules of reason, wherewith he could not suppose the people would be dissatisfied.

Mr. C. said, he was glad to hear the Speaker's explanation in regard to the insensibility of this House to petitions, and that he had referred to a mere physical inability to decide on these claims; an objection which could be easily obviated by raising other committees—one, for instance, for the claims from the Canadian frontier, another for those from the South, &c. He was glad to hear that the Speaker did not mean to impute to the House hardheartedness, of which construction his remarks had been susceptible. Notwithstanding the remarks since made, Mr. C. said, the position taken by him a day or two ago, and so very ably supported to-day by Mr. Barbour, remained unchanged; for, if he understood the qualifications of the Speaker, they denied the rule, leaving the question of remuneration to sufferers one of mere expediency. Mr. C. repeated his objection to the rule laid down by Mr. Clay; that if established, all distinction between public and private property in war would be obliterated. As to the restraint of the laws of war, Mr. C. said, that even in the late war, the rules of civilized warfare had not been observed by our adversary to their full extent. If we were to destroy the distinction between public and private property, my word for it, said Mr. C., you would find the effect of it in any future war. Mr. C. urged

the importance of adhering, in this respect, to established principles; for which reason, cases coming under the ninth section should be left to this House, that it might at once establish the rule, and decide the cases. A strict application, he said, of the rule of the law, as it exists, would not embrace many just cases, and for this reason also Congress ought to decide them, having the power to enlarge the rule. In all that had been said in favor of retaining the 9th section, a wish had been expressed, that the rule of the decision made on claims in this District, should prevail throughout the United States. Mr. C. entered his protest against it; he believed those decisions did not come within the letter of the law, within the spirit of the law, nor within the rules on which the country ought to act in this case.

Mr. BARBOUR replied to the SPEAKER. As for indemnity for losses by an enemy, in consequence of the omission of the Government to protect the property of the citizen, such cases ought to have been provided for in the Treaty of Peace at the termination of the war. But, without such provision, the Government was as much bound to indemnify for losses by private robbery, as for losses by public robbery, to which he likened the destruction of houses, &c., private property, by an enemy. An enormous debt of justice, he said, arising from the Revolutionary war, yet remained unpaid; countless millions of various losses. He did not say he would go back and remunerate those sufferers, but, if the House were to allow claims from considerations of liberality, as now urged, they certainly ought from those of justice. Mr. B. defined justice and liberality, concluding by saying that the Government ought to pay all such claims on it, as, if suable, it would be compelled in a court of law to pay. With regard to the small claims under the act of last session, he was willing to turn them over to the War Department; but in regard to cases of large amount, depending on the construction of the rule, they ought to come before the House.

At sundown, Mr. WRIGHT announced his desire to make a few remarks; and, on his motion, the Committee agreed to rise, by a small majority; and the House adjourned.

TUESDAY, January 7.

Mr. ARCHER submitted the following resolution, which was read, and ordered to lie on the table.

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of allowing to officers who, during the late war, have been promoted from the ranks of the Army, the bounty land to which they would have been entitled in case they had not been promoted.

On motion of Mr. TYLER, the Committee on Naval Affairs were instructed to inquire into the expediency and propriety of directing the application of the funds arising under the acts of Congress "for the relief of sick and disabled seamen," at the port of Richmond, in Virginia, in aid of the funds of the corporation of that city, towards the erection and support of a marine hospital.

On motion of Mr. GOLD, the Committee on the Judiciary were instructed to inquire into the expediency of making provision, by law, for the appointment of a judge for the northern judicial district in the State of New York, to reside in the district.

Mr. HARDIN moved that the Committee on Military Affairs be instructed to inquire into the expediency of allowing pay and compensation to the mounted volunteers who, in the year 1813, served in the expedition to the headwaters of White River and the Wabash, under the command of Colonel Russell.

Mr. H. recapitulated the merits of the corps his resolution referred to, their services and sufferings, and the causes why their exertions were not more efficient or more brilliant.

Mr. HARRISON rose to testify to the alacrity of the corps, and the importance of the services they rendered, as well as their hardships and deserts. After which, the motion was agreed to.

On motion of Mr. IRVING, the Committee of Ways and Means were instructed to inquire into the propriety of amending by law that part of the fifth section of the act entitled "An act to regulate the duties on imports and tonnage," which is in the following words: "and in all cases where an 'ad valorem duty shall be charged, it shall be 'calculated on the net cost of the article at the 'place whence imported, (exclusive of packages, 'commissions, and all charges,) with the usual 'addition, established by law, of twenty per cen-'tum on all merchandise imported from places 'beyond the Cape of Good Hope, and ten per 'centum on articles imported from all other 'places."

The SPEAKER laid before the House a Message from the President of the United States, received yesterday, communicating the annual report of the Director of the Mint.

The bill for the relief of Henry Malcolm (ordering an allowance in his public accounts for certain money lost in the mail) was taken up, and, after a short discussion, it was ordered to be engrossed for a third reading.

Mr. ROBERTSON laid before the House sundry reports in relation to land titles in the State of Louisiana, transmitted to him by the Commissioner of the General Land Office; which were referred to the Committee on the Public Lands.

The bill from the Senate "for the relief of the legal representatives of Ignace Chalmet Delino, deceased, and of Anthony Cruzat, and L. P. Deverges," was read twice, and referred to the Committee of Claims.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act to authorize a new edition of the collection of laws respecting the public lands," in which they ask the concurrence of this House.

Mr. YANCEY having moved to go again into Committee of the Whole, on the Claims' law, and the House refusing, Mr. Y. was more successful in a motion to discharge the Committee of the

Whole from the further consideration of the said bill, which was agreed to.

BANK OF THE UNITED STATES.

Mr. FORSYTH called up the resolution submitted by him yesterday, to instruct the Committee on the National Currency to inquire "whether the President and Directors of the Bank of the United States have adopted any arrangement by which the payment of the specie portion of the second instalment can be evaded or postponed; and, if such arrangement has been made, the expediency of adopting some regulation by which the payment of the specie portion of the second instalment may be enforced at the time required by the act of incorporation, or within a limited time thereafter."

Mr. CALHOUN said, the House ought not to adopt this resolution, whether it regarded its own control over the bank, or justice to the institution. He denied that the facts suggested authorized the inquiry. The regulation adopted by the directors was, that loans might be had if stock to their amount was pledged for the faithful payment of the notes when due. This regulation, he contended, was a prudent one. Though by the charter dividends were withheld from those who failed to pay the second instalment, this penalty was no hold on the stockholders, because the dividends would be very small; and he was certain but little of the specie part of the second instalment would be paid in. The regulation of the bank would produce the payment of the greater part of the instalment, and was liberal as well as prudent. The bank, Mr. C. understood, commenced its operations on the first of this month; and it had been stated at the last session, in debate on the charter, that it would be obliged to give these accommodations, as their notes would be the same as specie. Mr. C. thought the regulation fair and just, because it put all subscriptions on the same footing, as all who deposited stock would be enabled to obtain a loan; but without it, a few stockholders in Philadelphia and New York, able to give security and obtain discounts, would alone have had the benefit of the aid now extended to all. It was also expedient, as without it there would have been a draft on the money market of the country of three millions of dollars, which would have produced at this time the most pernicious consequences. He repeated, that it was distinctly understood at the last session, that the second specie payment would necessarily be made by accommodations from the bank; and the House could not now say the directors had departed from the spirit or the provisions of their charter. The bank had gone into operation, and now having a will of its own, it had a right to adopt the regulation, if they perceived it was expedient. It had not been expected the specie capital would much exceed the amount of the first instalment, and the House had no reason to doubt the willingness of the bank to provide itself with an ample amount of specie, as it was notorious it had taken measures to procure it. He repeated his belief, that the resolution was unnecessary and improper.

Mr. FORSYTH was not satisfied with the reasons urged against his motion, nor were they applicable to it. He asked of the House to inquire whether the bank had postponed what was expected of it—whether it had departed from a duty required by its charter. He did not know that the arrangement alluded to had taken place; but if it had, he denied that it was within the limits of the charter, or that the directors had any authority to adopt such a regulation; because it would be receiving, instead of specie, the notes of individuals, which the act did not permit them to do. Mr. F. said, the regulation had been called liberal; his objection was that it was too liberal for the act under which the directors performed their functions; he believed it exceeded their powers, and if it was adopted in such a manner as that all parts of the country could not partake of its benefits, it was also unfair and unjust. But until inquiry was made, and the precise state of the facts known, it could not be understood. For this reason he wished the inquiry made, and hoped the resolution would be adopted.

Mr. ROSS was in favor of the resolution, believing the regulation inexpedient as regards the public interest; because, although the bank might, by these discounts, do a good business without sending abroad a single note, the loans being made to those who would pay them in again, it would not at all promote the public interest or convenience. Mr. R. argued at some length in favor of the resolution, and to show that the regulation was improper and partial, and intended only to benefit the favorites of the bank.

Mr. CALHOUN replied to Mr. ROSS and to Mr. FORSYTH. If the resolution was not offered on a certain or even supposable state of facts, it was a good reason for rejecting the inquiry; the House ought never to proceed but upon facts at least probable; in this instance it would be an act of caprice. But admitting as true the facts suggested, they did not justify the inquiry; because, as he contended, the directors had acted consistently with their chartered rights; and he reminded Mr. FORSYTH that he had in 1815 objected to the bank bill, then discussed; that in the very nature of things, all the specie instalments would not be paid without accommodation from the bank. Mr. C. repeated his approbation of the regulation, from the impartiality it produced in the accommodations, and the unhappy effect a draft of three millions on the money market, would at this time have produced in the relation between paper and specie, which draft was obviated by the regulation.

Mr. FORSYTH replied, that the information he had, was at least sufficient foundation for inquiry. True, he could not vouch for the facts, but he had sufficient reason to believe them to justify his motion. The fact suggested was that certain notes were received by the bank in lieu of the specie payment required by the charter. Whether this course was proper or expedient, it was impossible to say, without first making the necessary inquiry into the subject. That the measure adopted by the bank was unauthorized by the

charter, a single glance at the act of incorporation, he thought, would prove. It was not competent, he insisted, for the bank to receive any notes whatever in lieu of the specie instalment; and if they evaded one provision of the law, they might others. He wished, also, by an inquiry, to ascertain whether the alleged regulation had been adopted in time to permit a general participation in it; he believed it was not, and therefore that it would operate unfairly.

Mr. GROSVENOR said the real question was, whether the bank had power to receive its own notes for the second instalment. The directors had shown no disposition to evade specie payments. Look at the fact, said he. They have sent to Europe to obtain a large supply of specie, and have thus taken means to insure the payment of specie. After showing their willingness to comply with the injunctions of the laws, shall we, said Mr. G., go into the bank to disturb them? The bank was now negotiating largely for specie in England, and a trivial circumstance might create alarm there and defeat the negotiation. For that reason he thought the inquiry inexpedient. The bank had manifested no symptom of evading its duty, but had shown the reverse; had evinced a desire to lay a sure foundation for specie payments. The only way the bank could have avoided the regulation, was to have closed its doors, not to have commenced business until after the second instalment was paid, otherwise the subscribers would throw their notes in and get out the specie. He thought there were no grounds for the inquiry.

Mr. WILDE declared himself in favor of the inquiry. He referred to the charter to prove that the regulation of the bank was unauthorized. If the directors could allow the specie instalment to be paid in this way, they might also permit the stock payments and all others to be evaded in the same manner. He was in favor of the inquiry, if for no other reason, to ascertain if the privilege had been extended impartially to the subscribers, and to all parts of the country.

Mr. ROBERTSON read the 9th rule of the charter, which prescribes that the corporation shall not directly or indirectly deal or trade in anything except bills of exchange, gold or silver bullion, or in the sale of goods really and truly pledged for money lent, and not redeemed in due time, or goods which should be the proceeds of its lands; and that it shall not be at liberty to purchase any public debt whatsoever. Mr. R. asked whether this rule did not apply to the regulation adopted by the bank? whether the practice under that regulation was not trading in the public debt, and whether it would not violate this rule of the charter? He expected the House would often have to inquire into the conduct of the bank, and he was not unwilling to commence in this instance, where, he believed, they had proceeded improperly.

Mr. SMITH, of Maryland, said the pledge required by the bank was not known. He had understood it was to consist of the stock of the bank; if so, Mr. ROBERTSON'S objection would fail of course. He thought the mover of the resolution ought, before he brought it forward, to have been sufficiently informed to state what kind of stock was required by the bank in pledge. Mr. S. had at first been in favor of this inquiry, but subsequent reflection had changed his opinion. It might have a serious effect on the negotiations in England for specie, by producing alarm and a doubt of the inviolability of the charter, &c. He confessed he had not approved of the regulation at first, nor did he entirely now; but he did not think it any violation of the act of incorporation. The directors were very well satisfied, he believed, that a great part of the stockholders would fail to pay the instalment and forfeit their dividends, and the directors had consulted whether it would not be better for the bank to afford them accommodation, rather than that should take place. The result was nearly the same, and the two cases presented a distinction almost without a difference. He asked Mr. FORSYTH what was the difference between carrying specie to the bank to pay the instalment and paying in notes with one hand for which they might receive specie with the other? The directors, he said, had no doubt well considered the subject, and heard both sides of the question before they decided on their present course. They were bound by the charter to pay specie, and if they do that they do not violate it; if they fail in that, then it is competent for the House to interfere and inflict the penalty. He was opposed to the adoption of this resolution.

Mr. CALHOUN thought the 9th rule of the charter, quoted by Mr. ROBERTSON, had no reference to the regulation referred to, and argued that the deposite required by the bank was not that dealing or trading which was prohibited by the rule. He considered the notes of the bank the same as specie, because they were convertible into gold and silver at pleasure. Mr. C. replied to Mr. WILDE and others, and said he was the more anxious that this motion should not be agreed to, as it was a leading case of inquiry. He thought if ever the House lost its control over the bank, it would be by disturbing them on trivial questions and occasions. He had the strongest conviction that this bank, backed by the Government, would in time bring about that great revolution in our currency, so much desired; that it required all the support of the Government in it, and he hoped that the House would not now interfere in the regulations adopted with that view.

Mr. INGHAM had been at first disposed to favor the inquiry, but now thought differently; and argued at some length to show that the bank had adopted no regulation different from the ordinary course of other banks. The course adopted, and that which would have followed without it, were the same to the public interest, and did not in any way affect it. Mr. I. repeated substantially what he had reason to believe was the regulation adopted by the board of directors; it was, that it would, from the 31st of December to the 23d of January inclusive, discount on deposites of the

stock of the bank at par, or of six per cent. stock of the United States at ninety per cent., provided the party putting in a note for discount and making the deposite of stock, should accompany the same with a power of attorney to sell the stock in sixty days from the first of January, (being the day the note becomes due,) and apply the money to the discharge of the note. Mr. L. thought they might have arrived at their object in another way, and that this regulation was a violation of the contract between the stockholders and the directors, by annexing a penalty to the non-payment of the notes when due; but that was a matter between themselves. As to the accommodation being extended to all parts of the country, there were but one or two offices of discount yet opened, and it could not be expected that discounts to the extent considered fair and equal, could be all effected at them.

Mr. Robertson remarked, that what he had heard from the gentlemen opposed to the resolution, had resulted in a complete conviction on his mind that the regulation of the bank was unauthorized by the act; that it was clearly prohibited by the 9th rule. Mr. R. argued further to show that the regulation permitted a dealing in a manner unauthorized, and was a direct infraction of the charter. It was a dereliction which he would not countenance from a fear of any alarm held out as likely to be produced in England or elsewhere.

Mr. Root said they had been promised at the last session that the filthy rags with which the country was infested, would be put to flight by this gigantic institution; but it had been foretold that this bank would never have more than $1,400,000 in specie, and an amendment was made doubling the second specie instalment, that the bank might not go into operation on the first instalment alone. It seemed that the reasonable expectations of Congress had not been fulfilled, and it was asked now to inquire into it; and this inquiry must be resisted, because it might embarrass the negotiations of the bank minister in London. But he thought the inquiry would rather facilitate those negotiations, which opinion he argued to establish, and to show that if it even enhanced the price of specie in the country, that would induce its greater importation and tend to restore an equilibrium in its value. He argued also to show that but for this regulation the subscribers would not be able to evade paying the second specie instalment, and that the bank had in its adoption acted indiscreetly.

Mr. Grosvenor replied to Mr. Robertson, and maintained that the pledges required by the bank did not extend to that kind of dealing forbidden by the charter; that the stock was received as security only, and the question as to the legality of it could not properly arise until the bank undertook to sell the stock pledged.

After some further remarks from Mr. Ross, Mr. Ingham, and Mr. Forsyth, in support of their respective opinions, the resolution was adopted—ayes 89, nays 68, as follows:

Yeas—Messrs. Adams, Archer, Baker, Barbour, Bassett, Bateman, Baylies, Bennett, Betts, Birdsall, Blount, Boss, Brooks, Brown, Burwell, Caldwell, Chappell, Cilley, Clark of New York, Clarke of North Carolina, Clayton, Clendennin, Comstock, Condict, Conner, Crawford, Crocheron, Culpeper, Desha, Edwards, Forsyth, Gaston, Glasgow, Hahn, Hall, Hammond, Harrison, Hawes, Hendricks, Huger, Hungerford, Irving of New York, Irwin of Pennsylvania, Jackson, Johnson of Virginia, Kent, Langdon, Little, Lovett, Lumpkin, Lyle, Lyon, Maclay, Mason, McLean, Miller, Mills, Milnor, Moffitt, Nelson, Parris, Pickens, Pickering, Piper, Pitkin, Reed, Reynolds, Roane, Robertson, Root, Ross, Savage, Smith of Pennsylvania, Smith of Virginia, Southard, Taylor of New York, Tyler, Vose, Wallace, Ward of Massachusetts, Ward of New York, Ward of New Jersey, Wheaton, Whiteside, Wilcox, Wilde, Wilkin, Williams, and Willoughby.

Nays—Messrs. Adgate, Alexander, Atherton, Avery, Baer, Birdseye, Bradbury, Breckenridge, Bryan, Cady, Calhoun, Cannon, Carr of Massachusetts, Champion, Creighton, Dickens, Findley, Fletcher, Forney, Gold, Griffin, Grosvenor, Hale, Henderson, Hooks, Hulbert, Ingham, Jewett, Kerr of Virginia, King, Law, Lewis, Love, Lowndes, Maclay, Marsh, McCoy, McKee, Middleton, Moore, Moseley, Murfree, Jeremiah Nelson, Noyes, Ormsby, Peter, Pleasants, Powell, Rice, Ruggles, Schenck, Sheffey, Smith of Maryland, Stearns, Strong, Stuart, Sturges, Taggart, Tallmadge, Taul, Taylor of South Carolina, Telfair, Townsend, Thomas Wilson, William Wilson, Woodward, Wright, and Yancey.

Wednesday, January 8.

Mr. Vose presented a petition of sundry inhabitants of Nelson, in the State of New Hampshire, praying that the mails may not be transported or opened on Sundays.

Mr. Champion presented like petitions from sundry inhabitants of the State of Connecticut.—Referred to the committee appointed on a similar petition, from the inhabitants of Southampton, in Massachusetts.

Mr. Clayton presented a petition of sundry inhabitants of the United States, expressive of their satisfaction at the recommendation to Congress by the President of the United States, of the subject of an uniformity in weights and measures, and praying that this important subject may not be suffered to languish, but that it may be carried into effect with as much expedition as its nature will admit, and as its value and merits to the people of the present and future generations require.—Referred to the Committee upon the subject of Weights and Measures.

Mr. Lattimore presented a petition of the members of the Legislature of the Mississippi Territory, praying that the said Territory may be erected into a State and Government, and admitted into the Union, on an equal footing with the original States.—Referred to the committee of the whole House, to which is committed the bill for the admission of the western part of the said Territory into the Union, as a State.

On motion of Mr. Reynolds, the Committee on the Public Lands were instructed to inquire into the expediency and policy of amending the act entitled, "An act relating to settlers on the

lands of the United States," so that all settlers on public lands, who have not leased from the United States, shall remain thereon in peaceable possession one year, from the expiration of the existing law; and also, to inquire into the policy of extending the provisions of said act to all those who have settled down on the land lately ceded by the Chickasaws, north of Tennessee river.

On motion of Mr. LITTLE, the Committee on Military Affairs were instructed to inquire into the expediency of allowing to all non-commissioned officers and privates, who enlisted for and during the late war, and who served until the end thereof, or who died or were killed previously to obtaining an honorable discharge, their balance of pay and bounty in land, and who, from the causes aforesaid, and various others, did not receive regular discharges, whereby they were deemed to have forfeited said pay and bounty.

PAYMENT FOR LOST PROPERTY.

The House proceeded to the order of the day, on the bill to amend the Claims' law; the question being, unless amendments were proposed, "Shall the bill be engrossed, and read a third time?"

Mr. CLARK, of New York, rose and spoke at some length in favor of a motion he made to strike out the word *ninth* from among the sections of the law proposed to be repealed. He depicted the sufferings which he himself had witnessed of the people on the Niagara frontier, who would be particularly injured by the repeal of the provision in their favor, and the consequent disappointment of just expectations founded on the act of the last session.

Mr. DESHA suggested the expediency of adding to this motion the tenth section, as being connected with the ninth.

Mr. YANCEY opposed the motion, that had for its object to prevent the repeal of the ninth section. The principle of that section, he admitted, was a just one; but it had received a construction which Congress never intended; for it was not their intention to provide for the payment of all claims for losses during the war, which should be even just, but to provide for a limited class of cases. He was of opinion that the cases coming under this section should come before the House; though he should not consider it very important to take that course, if the House should prefer to transfer the adjudication of these claims also to the Accountant of the War Department, upon the uniform correctness of whose decisions, heretofore, he relied for a correct construction of the law in future. Mr. YANCEY appeared anxious that the partiality of the Committee of Claims to this bill, should not be considered as proceeding from hostility to the principle of the ninth section, but from a wish that the claims should be correctly adjudicated.

Mr. WRIGHT next rose. He entered at large into the question of general law, so far as it regards the obligation on a Government to indemnify its citizens for losses sustained during war. He advocated in this respect what had been called in debate too liberal a policy; he sustained it by arguments drawn from the theory of the law, as well as by reference to the practice of this Government, even as early as the Revolution, up to this day. The Government, he concluded, had always recognised its duty to protect the citizen, and remunerate him for his losses from the hand of an enemy, sometimes even maritime losses. Adverting then to the question before the House, he opposed the repeal of the principle incorporated in the law of the last session, which provides for the payment for houses destroyed on account of their military occupation; and multiplied argument on argument to show that justice and policy, putting liberality out of the question, combined to sustain the law. He defended the decisions of the Commissioner under the act, and said that he did not believe any man who had taken the trouble to examine them, could think otherwise than he did on that head. He dwelt on the right of those who had suffered in the war, in consequence of the failure of the Government to protect them, to demand remuneration, from which they ought not certainly to be debarred, because of the amount of their claims, which had been opposed as an objection, very unjustly and parsimoniously, to a liberal execution of the law.

Mr. ROBERTSON, adverting to the mass of business before the Committee of Public Lands, and inferring thence the quantity before other committees, insisted on the opinion he formerly expressed of the inadequacy of the House to a proper examination and decision of the claims embraced in the ninth section. He opposed the proposition to repeal that section, as an attempt to take away a vested right, to put afloat principles solemnly established by law. In the course of his argument, Mr. R. contended, that in justice, (not in liberality merely,) the Government was bound to pay, first, for that property which the United States have themselves used or destroyed in war; second, for all property destroyed by the enemy, because having been useful or necessary to the Army of the United States; and, still further, he would provide for the payment for property destroyed by us because in the possession or use of the enemy. Mr. R. dwelt on the importance of this principle to the State which he represented, through which, in any future war, the enemy will seek access to the back country. It was not, therefore, in regard to present losses that he was anxious so much as to establish the rule now, that in any future war the people may have some encouragement to make that defence against invasion which they had so gloriously made during the late war. Mr. R. referred to history for numerous examples even of despots remunerating and solacing their subjects in war, and much more, he said, ought a Government depending on the attachment of its people, and leagued by common interests in one society, to pursue that policy.

Mr. JOHNSON, of Kentucky, suggested a modification of the amendment which he had offered in Committee of the Whole, to strike out the

whole of this bill excepting the enacting clause, and substitute therefor a revisionary power in one of the Heads of Departments. Mr. J. then proceeded to an examination of the cases referred to by Mr. Forsyth as incorrectly decided by the Commissioner, and affirmed that the same decisions he should himself have made, had the cases been placed before him for decision, and so he was convinced would a large majority of the House, after the representation which he should make of the cases. He then examined the evidence, as connected with the law of the last session, and thoroughly justified the decisions referred to by Mr. Forsyth. Facts, he said, were stubborn things, and ought to influence the House in its decisions more than general clamor; and facts he had presented to the House to vindicate the Commissioner from what he considered unjust imputations on his capacity or character. If he had decided the cases otherwise, Mr. J. said he would have voted to dismiss that Commissioner. Mr. J. disclaimed any the least intention disrespectful to Mr. Forsyth, but expressed his astonishment at the view Mr. F. had taken of this subject, which was as wide from that of Mr. J. as the poles are asunder. After concluding his examination of these cases, he appealed to the sensibility of the House to repel the argument against paying these claims on account of the amount of perhaps one million of dollars. It was too late, he said, after patriotic blood had freely flowed, after private property had been laid waste, after an hundred and ten millions of dollars had been expended in the war—it was too late to spurn the petitions, the just rights of the sufferers in the war by the agency of the Government, because, forsooth, they amount to a million of dollars! He appealed to the good sense of the House not to pursue a course which would steel the hearts of the people and of their posterity, in any future war, to the calls upon them by the Government for sacrifices. He beseeched gentlemen not, like the miser, to cling to the strong box, the closer the richer they grew, but rather lend their aid to dry the tears of the widow, and heal the wounds of the broken-hearted.

Mr. Forsyth rejoined to Mr. Johnson's remarks on particular cases, prefacing his remarks by the assurance of the sincerity with which he reciprocated the sentiments of respect and good will which the gentleman had expressed. He re-examined the cases he had before referred to, and declared, so far did he differ from Mr. Johnson, that for those decisions alone would he have dismissed the Commissioner. After going through a critical examination of the cases referred to, Mr. F. concluded, by a general objection to all the cases of impressment, decided by the Commissioner, that there was no evidence of the necessity of impressment of property in any case; and no such individual property destroyed ought to be paid for, he said, without evidence to that effect.

Mr. Wilde made a number of remarks in regard to evidence, corresponding with those of Mr. Forsyth, being, like him, disposed wholly to condemn the decisions of the Commissioner. Mr. W. was in favor of the bill reported by the Committee of Claims, so as to bring the cases specially before this House, whose capacity to decide them he maintained. He also took other views of the subject, which, owing to his position, the reporter could not distinctly hear.

Mr. Grosvenor next spoke, on the opposite side of the question. He put the conduct of the Commissioner out of the question, although he said that, by passing this act, Congress would effectually legislate the Commissioner out of office, and would, in this mode, indirectly exercise a function which the Constitution had expressly refused to them, and given to another authority. Mr. G. then turned his attention to the question regarding the act; replied to Mr. Wilde; and, in his usual spirited manner, analyzed the arguments in favor of this bill, and replied to them, comtending that this House was wholly unfit to adjudicate such a mass of cases as those embraced in the ninth section. The laws of evidence were also brought into discussion by Mr. G.; in regard to which, he wholly differed from the gentleman from Georgia, who had spoken on the subject.

Mr. Yancey rose in defence of the Committee of Claims against the imputations on the principles laid down by that committee, and on their general conduct. He denied the correctness of the intimation that the Commissioner of Claims had not had fair play in the House, so far as it applied to the Committee of Claims: so far, he pointedly averred, the remark was wholly unfounded.

Mr. Hulbert explained the reasons why he was opposed to repealing the ninth section of the act of last session; especially, since the cases would come before the Additional Accountant of the War Department, of whom, personally, Mr. H. spoke with high praise. He also gave great applause to the President for his conduct in taking upon himself the responsibility of suspending the decisions of the Commissioner, and he had no doubt, in so doing, that the President had acted strictly within his legal duty. He never would, he said, among other remarks, give a vote which would retain in office the present Commissioner, who, though he believed he was a truly honorable man, possessed too much feeling to act as a Commissioner under that law.

Mr. Comstock replied to some of the objections made to the ninth section, particularly to that founded on the act's prescribing rules, of which claimants were enabled to take advantage to procure evidence in support of claims. He also replied fully to Mr. Forsyth's objection to Mr. Lee's decisions, that he had required no evidence of the necessity of impressment in cases of impressed property destroyed. It was the act of the officer, presumed to act correctly, by which the individual suffered, and not the necessity for that act.

The question was then taken on Mr. Clark's motion to strike out of the bill the word "ninth,"

and decided in the affirmative—yeas 74, nays 67, as follows:

YEAS—Messrs. Adgate, Archer, Atherton, Avery, Baker, Betts, Birdsall, Birdseye, Breckenridge, Brooks, Bryan, Cady, Cannon, Carr of Massachusetts, Chappell, Clark of New York, Clarke of North Carolina, Comstock, Conner, Creighton, Davenport, Desha, Findley, Fletcher, Gold, Hahn, Hammond, Harrison, Henderson, Hendricks, Huger, Hulbert, Hungerford, Irwin of Pennsylvania, Jackson, Johnson of Virginia, Johnson of Kentucky, Kent, Kerr of Virginia, Lewis, Little, Lovett, Lyon, Wm. Maclay, Wm. P. Maclay, McCoy, McLean, Milnor, Moseley, Hugh Nelson, Parris, Peter, Pitkin, Pleasants, Powell, Reynolds, Robertson, Ross, Savage, Schenck, Smith of Maryland, Smith of Virginia, Sturges, Taggart, Taul, Taylor of New York, Tyler, Wallace, Ward of New York, Wilkin, Willoughby, Thomas Wilson, William Wilson, and Wright.

NAYS—Messrs. Adams, Alexander, Baer, Barbour, Bassett, Bateman, Baylies, Bennett, Blount, Boss, Bradbury, Brown, Burwell, Caldwell, Calhoun, Champion, Clayton, Clendennin, Condict, Crawford, Culpeper, Dickens, Edwards, Forney, Forsyth, Hale, Hall, Hardin, Hawes, Heister, Hooks, Ingham, King, Langdon, Law, Lowndes, Lumpkin, Lyle, Marsh, Middleton, Miller, Moore, Jer. Nelson, T. M. Nelson, Noyes, Ormsby, Pickens, Pickering, Piper, Reed, Rice, Roane, Root, Ruggles, Smith of Pennsylvania, Stearns, Strong, Townsend, Vose, Ward of Massachusetts, Ward of New Jersey, Wheaton, Whiteside, Wilcox, Wilde, Woodward, and Yancey.

So the House decided against repealing the ninth section of the law of last session.

Mr. JOHNSON, of Kentucky, moved to strike out the whole of the said bill after the enacting clause, and in lieu thereof, to insert as follows:

"That in all cases arising under the ninth section of an act, entitled 'An act authorizing the payment for property lost, captured, or destroyed, by the enemy, while in the military service of the United States, and for other purposes,' the decision of the Commissioner shall be revised and sanctioned, or rejected by the Secretary of the Treasury. And that, in all cases arising under the remaining sections of the said act, the decisions of the Commissioner shall be revised and sanctioned, or rejected, by the Secretary of War; without which sanction, no money shall be drawn from the Treasury of the United States, to satisfy any such claim; and, at the next session of Congress, the said Secretaries shall make report of such cases as may be embraced by said act, but which, in their opinion, should be provided for by law; and in all cases where the Secretary of the Treasury, the Secretary of War, or the President of the United States, shall deem it expedient, an agent shall be appointed to examine the witnesses that may be called upon by any claimant, and the agent shall moreover have the power to call for witnesses on the part of the United States."

Mr. YANCEY spoke briefly against the amendment; and the House adjourned.

THURSDAY, January 9.

Another member, to wit: from New York, JOHN B. YATES, appeared, and took his seat.

Mr. CLENDENNIN, suggesting that, through mistake on yesterday, he had voted in the negative, upon the question then depending, so to amend the first section of the bill, to amend the act authorizing the payment for property lost, captured, or destroyed by the enemy, while in the military service of the United States, and for other purposes, as to strike out that part of the same, which goes to a repeal of the "ninth" section of the said act, and moved that he have leave to correct the said mistake, by placing his vote in the affirmative on that question.

And the question being taken thereon, it was determined in the negative.

Mr. HOPKINSON presented a petition of the religious society of Friends, in Pennsylvania, New Jersey, Delaware, and the Eastern Shore of Maryland, praying that other and stronger provisions may be enacted to prevent the traffic in negro slaves, from one State to another within the United States, in which traffic they allege that many persons of color, free, or entitled to freedom at a given time, are carried into perpetual slavery.—Referred to the committee appointed on that part of the President's Message which relates to the African slave trade.

Mr. PLEASANTS presented a petition, signed by Edward Cutbush and Samuel R. Marshall, on behalf of the surgeons and surgeons' mates of the Navy of the United States, praying that a determinate rank may be affixed to their situation in the Navy; that their pay and emoluments may be increased, and that further provision may be made for those who, having been many years afloat, may be appointed to the charge of naval hospitals.—Referred to the Committee on Naval Affairs.

Mr. PICKENS presented a petition of a Convention of Delegates from fifteen counties of the Mississippi Territory, praying that the said Territory may not be divided, but that the same may be admitted into the Union with its *present* limits, as a State, on an equal footing with the original States; which was ordered to be referred to a select committee; and Messrs. PICKENS, HALL, HENDERSON, SHARPE, CREIGHTON, YATES, and CHAMPION, were appointed the committee.

Mr. LATTIMORE presented a petition of the Legislature of the Mississippi Territory, praying that such persons as have settled on the public lands lately conquered from the Indians may be permitted to remain thereon until the same shall be exposed to public sale.—Referred to the Committee on Public Lands.

Mr. SCOTT presented a resolution of the Legislature of the said Territory, soliciting that a road may be opened by the United States, from the town of St. Louis, to the northern boundary of the State of Louisiana, by the post of Arkansas.—Referred to the Committee on Roads and Canals.

Mr. LOWNDES, from the Committee of Ways and Means, made a report respecting the subsistence of the Army; which, being read, Mr. L. reported a bill making a partial appropriation for the subsistence of the Army during the year 1817, which was read twice, and committed to a Committee of the Whole.

Mr. Robertson, from the Committee on the Public Lands, reported a bill making provision for the location of the lands reserved by the first article of the Treaty of the 9th of August, 1814, between the United States and the Creek nation, to certain chiefs and warriors of that nation, and for other purposes; which was read twice, and committed to a Committee of the Whole.

The Speaker laid before the House a letter from the Treasury Department enclosing a report and statement of loan office and final settlement certificates issued under the authority of the Continental Congress, which remain outstanding, made in obedience to a resolution of the 15th of April last; which were ordered to lie on the table.

On motion of Mr. Thomas Wilson, the Committee on Pensions and Revolutionary Claims were directed to inquire whether any, and, if any, what further provision by law is requisite to enable riding masters of the Revolutionary war to receive a bounty in land equal to that allowed to other officers of the same rank.

On motion of Mr. King, the Committee on the Judiciary were instructed to inquire into the expediency of providing, by law, for holding annually two terms of the circuit court of the United States, within the District of Maine, in Massachusetts.

An engrossed bill entitled "An act for the relief of Henry Malcolm," was read the third time, and passed.

The bill from the Senate, "to authorize a new edition of the collection of laws respecting the public lands," was read twice, and ordered to be read a third time to-morrow.

A message from the Senate informed the House that the Senate have passed bills of the following titles: An act to increase the salaries of the register and receiver of public moneys of the land office at Marietta; An act making a further appropriation for the purchase of books for the Library of Congress, and for other purposes; and an act requiring the Directors of the Bank of the United States to establish an office of discount and deposite in the District of Columbia; in which bills they request the concurrence of this House.

MISSISSIPPI LANDS.

Mr. Cannon called up the resolution submitted by him to inquire into the expediency of laying off a separate surveyor's district in the Mississippi Territory, adjoining the southern boundary of Tennessee, and including the late purchases made from the Cherokee and Chickasaw Indians, and to provide for the appointment of a principal surveyor for said district; also, a register and receiver of public moneys; and to make such further provision as may be necessary to have the lands within the same, to which the Indian title has been extinguished, surveyed, and offered for sale as soon as practicable.

After a few explanatory remarks from Mr. Cannon, the resolution was agreed to.

PAYMENT FOR LOST PROPERTY.

The House again took up this subject—Mr. Johnson's substitute for the bill reported by the Committee of Claims being still under consideration.

Mr. Harrison rose in support of the substitute, though he had not been entirely friendly to all the provisions of the act of last session, and showing that the construction given to the 9th section by the Executive would not embrace a single case on the Northwestern frontier. Mr. H. read an amendment which he deemed necessary to give just scope to the law, and entered into a particular and minute argument to establish the expediency and justice of relief to the cases which his proposition embraced. Without expressing an opinion on the merits of the Commissioner, he was opposed to legislating him out of office without a fair investigation into his conduct, and said that officer would have reason to complain if the inquiry into his conduct was not prosecuted to some end, &c. The amendment which Mr. H. wished to engraft on Mr. Johnson's substitute, was, substantially, first, that the act should be construed to extend to every house which was destroyed by the order of any officer in the service of the United States to facilitate the operations of the army, or any detachment thereof, or to impede those of the enemy. Second. That the 9th section of the act should be construed to extend to every house, whether occupied as a military deposite, or as barracks for soldiers, or as a hospital, which, during the late war, was destroyed by the enemy in consequence of such occupation; and to all houses destroyed by the enemy in consequence of a military resistance from or in the neighborhood of the same, provided no house should be so included, unless it had been hired under the authority of the Government, or was at the time actually used for the purposes mentioned.

Mr. Fletcher advocated the amendment, and stated some cases of hardship which would be relieved by it, but which it was not probable from the nature of things as they existed, the mass of business before the committees, and the difficulty of establishing individual claims before the House, would ever receive relief from the House if the law were repealed. Mr. F. argued at some length in support, as well of the substitute as of the amendment proposed thereto.

Mr. Hardin rose in reply in opposition to the substitute, and in support of the report of the Committee of Claims; and, without expressing any opinion at present on Mr. Harrison's amendment in the abstract, he was decidedly opposed to it, because it contemplated and concurred in retaining the Commissioner, whose conduct and ability he remarked on with strong disapprobation.

Mr. Smith, of Maryland, in a few words, suggested to Mr. Harrison the propriety of withdrawing his amendment at present; which

Mr. Harrison coincided in, and accordingly withdrew his proprosition.

Mr. Yancey argued at large in favor of the

repeal proposed by the Committee of Claims, and the propriety of giving the direction by them proposed to the kind of claims recommended to be taken from the adjudication of the Commissioner. He maintained the capacity of the House to decide, and the promptitude of the Committee of Claims in acting on claims which have been presented, &c., and opposed the substitute as well as the amendment submitted by Mr. HARRISON, because cases of the kind embraced by the latter had already been comprehended by the construction of the Commissioner, and acted on by him, &c.

Mr. REYNOLDS expressed his regret at being obliged to oppose the substitute and to vote for the course reported by the Committee of Claims; but, though friendly to the law of last session, he could not see thousands of the public money squandered on the claims now provided for, when there were so many cases of suffering of the Revolutionary war unrelieved, and which had been rejected by this House; and because a class of cases included in the decisions of the Commissioner belonged to Congress to decide on, and which could not properly be transferred to any other tribunal, &c.

The question on agreeing to Mr. JOHNSON'S substitute was then decided in the negative—yeas 40, nays 108, as follows:

YEAS—Messrs. Adgate, Atherton, Avery, Bassett, Betts, Breckenridge, Cannon, Comstock, Creighton, Desha, Fletcher, Gaston, Gold, Glasgow, Harrison, Herbert, Huger, Hungerford, Irving of New York, Jewett, Johnson of Kentucky, Kerr of Virginia, Lewis, Lovett, Lyon, McKee, Mills, Hugh Nelson, Ormsby, Peter, Robertson, Sharpe, Sheffey, Stuart, Tate, Taul, Taylor of New York, Wilkin, Thos. Wilson, and Wright.

NAYS—Messrs. Adams, Alexander, Archer, Baer, Baker, Barbour, Bateman, Baylies, Bennett, Birdseye, Blount, Boss, Bradbury, Brooks, Burwell, Cady, Caldwell, Calhoun, Champion, Chappell, Cilley, Clark of New York, Clarke of North Carolina, Clayton, Clendennin, Condict, Crawford, Crocheron, Culpeper, Davenport, Dickens, Edwards, Findley, Forney, Forsyth, Hahn, Hale, Hall, Hammond, Hardin, Hawes, Heister, Henderson, Hendricks, Hooks, Hopkinson, Hulbert, Ingham, Jackson, Johnson of Virginia, Kent, King, Langdon, Little, Love, Lyle, Wm. Maclay, Wm. P. Maclay, Marsh, Mason, McCoy, McLean, Miller, Milnor, Moore, Murfree, J. Nelson, T. M. Nelson, Noyes, Pickens, Pickering, Piper, Pitkin, Pleasants, Powell, Reynolds, Rice, Roane, Root, Ross, Ruggles, Savage, Schenck, Smith of Pennsylvania, Smith of Maryland, Smith of Virginia, Southard, Stearns, Strong, Sturges, Taggart, Telfair, Thomas, Townsend, Tyler, Vose, Wallace, Ward of Massachusetts, Ward of New York, Ward of New Jersey, Wendover, Whiteside, Wilcox, Wilde, Williams, Wm. Wilson, Woodward, and Yancey.

So the substitute was rejected.

Mr. HARDIN never having thought that the 9th section of the law had, strictly construed, extended far enough, and wishing to give it a little more latitude, stated that he should hereafter submit an amendment to accommodate the law to the view he had mentioned.

Mr. WRIGHT, after some prefatory remarks approbatory of the present Commissioner and deprecating the intent to legislate him out of office, proposed an amendment, substantially, to authorize the President of the United States to appoint two additional commissioners to act conjointly with the present officer, in deciding the claims provided for in the act—instead of referring that duty to the Accountant of the War Department, &c., as proposed by the bill.

Mr. SMITH, of Maryland, was in favor of the amendment, on the ground that the bill contemplated referred to the war accountants a mass of business which they cannot possibly attend to in addition to their present duties, and the preference of erecting the tribunal proposed by Mr. WRIGHT, which would be able to decide better and with greater despatch the cases referred to them.

Mr. YANCEY replied to Mr. SMITH respecting the ability of the war accountants to perform the proposed additional duties, which he maintained they were able to do, and that it was more safe to adopt that mode.

Mr. WRIGHT supported his amendment, and referred to former experience in the Government to prove the superiority of his plan for the administration of the act; that the Executive Departments were already so overburdened with business that a new department had been recommended, and bills were already reported by the Senate to lessen the duties of those departments—and consequently the impropriety of referring to them business of the important character now under consideration.

Mr. PICKERING thought there was already business enough to occupy the war accountant, and opposed the committing to that person, though a very competent man, the duties of a judge, to decide cases amounting perhaps to a million and a half of dollars, and he would therefore prefer a commission of three persons to be appointed by the President of the United States, without saying anything about the present Commissioner; and moved to amend the amendment so as to suit his views.

Mr. DESHA, after stating his belief that it would be impossible to carry the amendment offered by Mr. WRIGHT, as he was convinced there was a combination to legislate the Commissioner out of office, stated that he should offer an amendment to repeal those sections of the law under which the Commissioner was appointed, etc., and in lieu thereof to authorize the appointment of three new commissioners.

Mr. PICKERING withdrew his motion; and

Mr. WRIGHT'S motion was lost without a division.

A motion was then made by Mr. DESHA, to strike out all of the said bill after the enacting clause, and to insert as follows:

That the 11th, 12th, 13th, and 14th sections of the act, entitled "An act to authorize the payment for the property lost, captured, or destroyed by the enemy, while in the military service of the United States, and for other purposes," passed on the 9th day of April, 1816, shall be, and the same are hereby, repealed.

SEC. 2. *And be it further enacted*, That, for carrying into execution the above-recited act, the President of the United States, by and with the advice and consent of the Senate, is hereby authorized to appoint three commissioners, whose duty it shall be to decide upon all cases arising under the before-recited act; and who, in the discharge of their duties, shall be subject to the rules and regulations that have been, or may be prescribed by the President of the United States. The commissioners so appointed shall receive, as compensation for their services, at the rate of —— per annum each for the time they shall be actually employed, which shall not exceed eighteen months, to be computed from and after the passage of this act: all official communications to and from the commissioners appointed under this act, shall be free of postage.

SEC. 3. *And be it further enacted*, That the said commissioners, so to be appointed, before they enter upon the duties of their offices, shall each take the following oath, to wit: "I, A. B. do solemnly swear, that I will, well and truly, according to the best of my abilities, discharge the duties of Commissioner under an act of Congress, entitled 'An act to authorize the payment for property lost, captured, or destroyed by the enemy, while in the military service of the United States, and for other purposes;' so help me God:" upon which they shall proceed to appoint a clerk; and shall proceed to the execution of the above-recited act, under the rules already prescribed by the President of the United States, for the adjustment of claims to compensation for the corps provided for by the said act, or to establish such further rules as may be deemed necessary for the due execution of the law, under the direction, or by the consent of the President of the United States, having due regard, in the establishment of further regulations, as well to the claims of individual justice, as to the interest of the United States, and if it should be found necessary to establish any other rules or regulations for the due execution of the act, the said commissioners shall cause them to be published for four weeks, successively, in the newspapers in the several States, and Territories in which the laws of the United States are published.

SEC. 4. *And be it further enacted*, That the said commissioners shall, in all cases in which the claim to compensation or indemnity shall exceed the sum of two hundred dollars, award a commission to some one or more discreet commissioner, in the vicinity of where the witnesses are stated to reside, accompanied by interrogatories to be propounded to such witnesses, which said commission, when executed, shall be returned, together with the examination to be taken in virtue thereof, by mail, free of postage, to the office of the commissioners.

SEC. 5. *And be it further enacted*, That in all adjudications of the said commissioners upon the claims mentioned in the said recited act, whether such judgment be in favor of, or adverse to the claim of the applicant, the same shall be entered by the clerk in a book to be provided for that purpose; and when such judgment shall be in favor of such claim, shall entitle the claimant, or his legal representative, upon the production of a copy of such judgment, duly certified by the clerk of said commissioners, to payment of the amount thereof, at the Treasury of the United States.

Mr. DESHA supported the expediency of his amendment as well as the justice of relieving liberally sufferings sustained in the late war, and the impracticability of having the claims, from the pressure of business, properly attended to by the officers of the War Department, arguing that the effect of such a course would be tantamount to a denial of justice.

The amendment was supported warmly by Messrs. ROBERTSON, HARRISON, FLETCHER, PICKERING, and SHEFFEY, on the ground of inability of the accountants of the War Office to perform the additional duties enjoined by the act, when they were already so pressed by business as to require a new organization of the Department; and the superior correctness of those whose special business it would be; and also by the last named gentleman, from an objection to legislate a person out of office, and because, of two courses, neither of which he liked, he disliked the amendment least.

It was opposed by Messrs. YANCEY and HARDIN, from a belief that the Departments were competent to execute the law, and that the mode was preferable for other reasons to the one proposed, which they argued to prove.

Messrs. HULBERT and ALEXANDER, without taking sides on the amendment, respectively made some remarks on the manner of doing business in the War Department and the despatch with which public business was transacted there.

Mr ROOT supported the amendment at some length, and proposed to include in the sections proposed to be stricken out, the 10th section of the act, the vague and improper wording of which had led to misconstruction and error. His motion was lost without a division.

Mr. DESHA's amendment was negatived—yeas 69, nays 75.

A motion was made by Mr. TAUL, to insert, at the end of the third section, the following:

"*Provided, however*, That in all cases of claims against the United States, arising under the first and second sections of the act to which this is an amendment, the muster rolls, made out by the proper officer, shall be taken and received as sufficient evidence of the value and loss of the property, for which compensation is claimed, where such muster rolls exhibit evidence of those facts."

The motion was opposed by Mr. YANCEY, and supported by Mr. FLETCHER, and was lost without a division.

A motion was then made, by Mr. HARRISON, to amend the bill by inserting the following sections, to come in after the first section, to wit:

SEC. 2. *And be it further enacted*, That the fifth section of said recited act shall be construed to extend to every house or building, which in the late war shall have been destroyed by the order of any officer in the service of the United States, with a view to facilitate the operations of the American Army, or any detachment thereof, or to impede those of the enemy.

SEC. 3. *And be it further enacted*, That the ninth section of the said act shall hereafter be construed to extend to every house or building, whether occupied as a military deposite, or as barracks for soldiers, or as an hospital, which during the late war shall have been destroyed by the enemy in consequence of such occupation, and to all houses or buildings destroyed by the enemy, in consequence of a military resistance from,

or in the neighborhood of the same. *Provided always,* That no house or building shall be construed a military deposite, within the meaning of this section, or of the act aforesaid, unless it had been hired under the authority of the Government, or which at the time it was destroyed was actually used for that purpose; and provided also, that no house or building shall be considered a barrack within the meaning of this section, on account of its having been in the temporary occupancy of the troops of the United States upon a march, unless in the immediate presence of the enemy.

Mr. SMITH, of Maryland, moved to postpone until to-morrow the further consideration of the bill and amendment, for the purpose of having the latter printed. And the question being taken thereon, it was also determined in the negative.

The question was then taken to agree to that part of the amendment proposed by Mr. HARRISON, comprised within the first section thereof, marked section two in the amendment; and was determined in the negative.

The question was taken on the second section of the amendment marked section three; and also determined in the negative.

Mr. WILLIAM P. MACLAY moved to amend the bill by inserting after the word "produce," in the fifth line of the third section, the following words: "Provided that no evidence shall be received other than that of citizens or inhabitants of the United States."

After some discussion, in which Mr. YANCEY opposed, and the mover supported the amendment, it was decided in the negative without a division.

Mr. ROSS moved a verbal amendment in the clause defining the evidence to be required, with the view of making the provision more clear and definite.

The motion was opposed by Mr. YANCEY, Mr. SHEFFEY, and Mr. WARD of Massachusetts, and advocated by Messrs. ROSS, ROOT, and DESHA, and finally negatived by a large majority.

Mr. CANNON moved an amendment, requiring the Commissioner to give certificates of his awards to the claimants in all cases adjudicated by him previous to the suspension of the operation of the ninth section of the law.

The motion was opposed by Messrs. YANCEY, FORSYTH, HARDIN, and JOHNSON of Kentucky, and supported by Messrs. CANNON and TAUL, and was disagreed to by a large majority.

Mr. INGHAM then, after some introductory remarks, in which he argued against the immense extent of claims which the construction of the ninth section of the act had embraced, further, he believed, than was contemplated, and on which it was essential the House should express some definite opinion, and adopt some special provision for the government of the future construction, moved to amend the bill by inserting a new section, declaring that the ninth section should not be construed to extend to houses or other buildings occupied by the military forces of the United States, except the same shall have been occupied by the authority of an officer or agent of the United States, as a place of deposite for munitions of war.

Before the question was taken on the amendment, a motion was made (several similar motions having been negatived) to adjourn; and the House adjourned at sunset.

FRIDAY, January 10.

Mr. CLAYTON presented a petition of the Directors of the Chesapeake and Delaware Canal Company, praying for aid of the National Government, in carrying into effect the objects of their association.—Referred to the Committee on Roads and Canals.

Mr. YANCEY, from the Committee of Claims, to which was referred the bill from the Senate, "for the relief of the representatives of Ignace Chalmet Delino, deceased, and of Anthony Cruzat, and P. L. Deverges," reported the same without amendment, and the bill was committed to a Committee of the Whole.

Mr. CHAPPELL, from the Committee on Pensions and Revolutionary Claims, reported a bill for the relief of the widow and minor children of Abraham Owen, which was read twice, and committed to a Committee of the Whole.

The SPEAKER laid before the House, a letter from Jonathan Jennings, President of the late Convention of the people of Indiana, enclosing a copy of the constitution, as adopted for the government of the State, which were ordered to lie on the table.

The bill from the Senate "to increase the salaries of the register and receiver of public moneys, of the land office at Marietta;" was read twice, and referred to the Committee on the Public Lands.

The bill from the Senate "making a further appropriation for the purchase of books, for the Library of Congress, and for other purposes," was read twice, and committed to a Committee of the Whole.

The bill from the Senate "requiring the Directors of the Bank of the United States to establish an office of discount and deposite in the District of Columbia," was read twice, and committed to a Committee of the Whole.

The bill from the Senate entitled, "An act to authorize a new edition of laws respecting the public lands," was read the third time and passed.

The SPEAKER laid before the House an authenticated copy of the constitution of the State of Indiana, which had been officially transmitted to him.

Mr. CANNON laid on the table the following resolution:

Resolved, That it is inexpedient to reduce the Army of the United States.

On motion of Mr. TELFAIR, a select committee were instructed to inquire at large into the claims of detachments of the militia of Georgia ordered out by the Governor during the years 1793 and 1794, for the defence of its frontiers, in consequence of a discretionary power communicated by the War Department.

Mr. Wright moved that the Judiciary Committee be instructed to inquire into the expediency of removing such part of the library as is composed of law books, to some room convenient to Congress. [The library being at present in the building formerly occupied by Congress, some distance from the present hall.]

Some debate ensuing, the resolution, on motion of Mr. Lowndes, was laid on the table.

Mr. Root, after a few explanatory observations, moved a resolution, that the law of 1798, authorizing certain officers of the Government to administer oaths, ought to be so amended as to authorize the chairman of a standing committee of this House also to administer oaths, and that the Judiciary Committee bring in a bill accordingly; which was agreed to.

Mr. Pickens made an unsuccessful motion to call up his resolution to amend the Constitution.

Mr. H. Nelson, from the Committee on the Judiciary, who were instructed by a resolution of the seventh instant, to inquire into the expediency of appointing a judge for the northern district of the State of New York, made an unfavorable report, which was read, and ordered to lie on the table.

MILITARY BOUNTY LANDS.

Mr. Nelson, from the Committee on the Judiciary, who were also instructed by a resolution of the 19th ultimo, to inquire into the propriety of so amending or explaining the fourth section of the act of the 6th of May, 1812, for designating, surveying, and granting military bounty lands, as to authorize a devise of said bounty land, though no patent shall have been granted therefor at the time of the devise, made a report, recommending the adoption of the following resolution:

Resolved, That it is inexpedient to alter or change the existing law in this respect in anywise whatever.

Mr. Barbour moved to amend the report, by reversing its recommendation, so as to declare it expedient to amend the law on the subject; and entered into an argument to show the propriety of allowing a devise of military bounty lands, which, he contended, the soldier had as good a right to do as if he had acquired the land with his money, instead of his blood and public services—that at present a soldier could not even devise his bounty land to his wife, because a possible abuse might ensue from giving him the right of willing away the reward bestowed on him by his country, &c.

Mr. Nelson rose to support the report, and argued that the committee had discovered no reason to change the provisions of the law—that it was a contract between the country and the soldier—that, to keep the soldier out of the hands of the crafty speculator, it was expedient to preserve the law as at present—that, in examining the subject, the committee found additional reason to retain the restriction which prevented the soldier from the disposal of his bounty land, &c. That if the barrier was once broken down, there was no saying where the evil would stop; and that they might hereafter see the soldier and his family stripped of their property, if exposed to the arts of the unprincipled and designing.

Mr. Hardin remarked on the necessity which had permitted soldiers to declare their last will by word of mouth, from the difficulty of making written ones, and that, to prevent frauds practised under this privilege, it was proper to forbid the power of devising their bounty land, &c. That there were many who would fight well, and make good soldiers, yet be so lost to moral honesty as to bear false witness to the dying words of a soldier, and, as had been done, fraudulently deprive a soldier's family of his property.

Mr. Barbour made some further remarks, in which he cited instances of hardship to prove the propriety of his amendment, and to show that the evils apprehended to the soldier from allowing a devise, might be obviated by proper provisions in the law.

Mr. Pickering spoke on the improbability of any speculation from allowing a soldier to devise his land, and on the propriety of permitting such a disposal.

Mr. Wilde also made some remarks, suggesting that the evils stated by Mr. Barbour, arose from the laws of Virginia, and might, by the Legislature thereof, be so amended as to remove the particular hardships mentioned.

The report was then reversed, according to Mr. Barbour's motion, and the Judiciary Committee instructed to report a bill accordingly.

CONTESTED ELECTION.

Mr. Taylor, of New York, from the Committee of Elections, to which was recommitted their report of the 31st December last, with certain instructions, made an additional report, which was committed to a Committee of the whole House, to-morrow. The report is as follows:

The Committee of Elections, to which was recommitted their report of the 31st of December last, with instructions "to receive evidence that persons voting for either candidate were not entitled to vote in the said election," report the same to the House, with the following additional facts and statements:

The general notice served by the petitioner on the sitting Delegate, on the 24th of September last, is in the following words: "Sir, take notice that I shall take the depositions of witnesses before some proper authority, to be read in the House of Representatives of the United States at the next session of Congress, for the purpose of establishing my right to a seat in that body, as a Delegate from the Territory of Missouri."

On the next day, the petitioner served on the sitting Delegate a special notice of taking testimony in the townships of St. Charles and Cote Sans Dessein, in the county of St. Charles, and in the township of Bon Homme, in the country of St. Louis, for the purpose of proving that the judges of the election in the latter township "improperly refused to count a number of legal votes given for him;" and in the other townships "for the purpose of proving that no legal election was held; that a sufficient number of judges did not attend, that the judges were not sworn; that no clerks were appointed; that no poll-book was kept; and that no votes were legally taken." It was upon the evidence taken in pursuance of this special notice, that the committee rejected the votes from the township of Cote

Sans Dessein. On the 28th of September last, the sitting Delegate served on the petitioner a general notice in the same form with that first received by him from the petitioner, concluding in the following words:

"Which depositions, at each of those places and days, will be taken for the purpose of proving that the election, in each of the townships, for a Delegate to the Congress of the United States from the Territory of Missouri, was not held on the first Monday of August last past, according to law, in the following particulars, to wit: That a place in each township had not been named for holding such election agreeably to law; that the elections were not held at the places appointed for holding the same in each of the townships; that no notice of such election, and of the times and places of holding the same, had been given by the respective sheriffs; that the polls were not opened according to law in the several townships; that no judges of election had been appointed by the circuit courts; that no judges of election were chosen by the people, and none officiated or were sworn according to law; that no clerks were appointed nor sworn; no poll-books kept, and no legal votes given to you; that illegal votes were given for you as Delegate, and legal votes given for me as Delegate, rejected by the judges; that the oaths of the judges and clerks are not prefixed to the poll-books; that the poll-books have not been signed by the judges and clerks; that the returns have not been made of votes legally taken for me, and improper votes have been admitted, and the votes counted for you; that the polls have not been opened and the votes counted by the clerks and two justices; and that the voters have not been permitted to give in their votes freely, and many who wished to vote for me, have been, by threats and violence, prevented from so doing."

No notice was given by either party of the names of the electors objected against for want of qualifications; nor was either party notified by the other that the particular qualifications of the electors would be investigated, nor were the names of the magistrates stated before whom depositions were to be taken.

The sitting Delegate contends that he considered himself authorized, under his general notice, to examine witnesses to every point of objections which he might find himself able to support in the course of investigation. And the petitioner alleged that he did not suppose an investigation into the qualifications of the electors and the persons for whom they voted, to be admissible; that the only case in which that inquiry had been made in his behalf, related to the votes in the township of Cote Sans Dessein, which was done without his instruction or consent.

In the case of Joseph B. Varnum, a Representative from the State of Massachusetts, whose election was contested at the first session of the fourth Congress, the Committee of Elections, (we adopt the words of their report,) "as well from the difficulty of the case, as from a desire to have uniformity in proceedings of this kind, were induced to pray the instructions of the House as to the kind of specification that shall be demanded of the petitioner, and the manner in which the evidence shall be taken."

Upon this application, after several days' debate in the Committee of the Whole, the House resolved, "That the names of the persons objected to, for want of sufficient qualifications, ought to be set forth prior to the taking of the testimony."

The rule prescribed in this resolution was adopted by the committee, in the case of McCoy and Porterfield, at the last session of Congress, and, as far as your committee are advised, has been uniformly adhered to; it is important, not only to the parties, but to this House, that it should be preserved. The committee were, therefore, of opinion that the evidence taken in pursuance of the beforementioned general notices, ought not to be received.

If the House concur with the committee in this opinion, it follows that no evidence has been submitted by either party, enabling the committee to investigate the qualifications of the electors.

The committee are further of opinion that evidence cannot be procured in season to enable the committee to investigate the qualifications of the electors during the present Congress. From Howard county on the north, to Arkansas on the south, as the roads run, is about eight hundred miles; the settlements extend west of the Mississippi from fifty to one hundred and seventy miles; the Territory is divided into nine counties and about fifty townships.

In addition to the difficulties arising from the extent of territory, the law of Missouri prescribes no mode of taking evidence in cases of contested elections for Delegate to Congress; nor is there any territorial authority to compel the attendance of witnesses for that purpose. The great distance of the Territory from this place, renders it impracticable, even if the power should be granted to send for the persons whose evidence is considered essential for the purpose of examination before the committee: the committee, therefore, respectfully submit to the House the following resolution:

"*Resolved*, That the Committee of Elections be discharged from further investigation into the qualifications of the said electors."

BANK OF THE UNITED STATES.

Mr. CALHOUN, from the Committee on the National Currency, to whom was referred a resolution, directing them to inquire whether the Directors of the United States Bank have adopted any arrangements by which the specie portion of the second instalment can be evaded or postponed, made a report, as follows:

The Committee on the National Currency, to whom was referred the resolution of the House, directing them to inquire "whether the President and Directors of the Bank of the United States have adopted any arrangement by which the specie portion of the second instalment can be evaded or postponed, and, if such arrangement has been made, the expediency of adopting some regulation by which the payment of the specie portion of the second instalment may be enforced at the time required by the act of incorporation, or within a limited time thereafter"—

Report, that they have availed themselves of the opportunity of obtaining the information required by the House, through the honorable James Lloyd, one of the directors of the National Bank, now in this city. In answer to their inquiries the committee received from him the letter which accompanies this report; and, on mature examination of the facts disclosed by it, they are of the opinion that the bank, in adopting the arrangement, were actuated by a sincere desire to effect the great objects for which it was instituted, as well as a regard to its own immediate interest. The committee are unanimously of opinion, that it would be inexpedient to adopt any regulation; and therefore report the following resolution:

Resolved, That the Committee on the National Currency be discharged from further proceeding on the above recited resolution.

Committee Room, *Jan.* 9, 1817.

Dear Sir: The Committee on the National Currency have, by the vote of the House, been directed to inquire, "whether the president and directors of the Bank of the United States have adopted any arrangement by which the specie part of the second instalment can be evaded, or postponed;" and I have been directed by the committee to request you, as one of the directors of that institution, to inform them whether any such arrangement has been adopted; and, if any, of what character. Should there be any such arrangement, the committee would be gratified in knowing the object and reasons of the bank in adopting it; and, in making this request, they wish it to be distinctly understood, that they do not consider it any part of their duty to inquire into the expediency of the arrangement, provided it be within the limits of the chartered powers of the bank.

With sentiments of esteem, &c.

J. C. CALHOUN.

Hon. James Lloyd.

Washington, *Jan.* 9, 1817.

Sir: I have the honor to acknowledge the receipt of a note from you of this date, as chairman of the Committee on the National Currency, informing me that the committee have, by a vote of the House of Representatives of the United States, been instructed to inquire "whether the president and directors of the Bank of the United States have adopted any arrangement by which the specie part of the second instalment can be evaded or postponed," and requesting of me, as one of the directors of that institution, to inform the committee whether any such arrangement has been adopted, and if any, of what character?

With that readiness springing from the high degree of respect to which every branch of the National Government is entitled, and which it cannot fail to command, I proceed, sir, respectfully to comply with your request; first premising, that I have neither authority nor instruction, nor indeed any intimation on the subject from the directors of the bank; and although I have had the honor to be a member of the board, it may now be uncertain whether I am or not still in the direction; the result of the recent election not being yet known, and no wish having been expressed by me for the continuance of that confidence with which I had been honored on a former occasion.

The committee, therefore, will be pleased to consider the remarks which may follow, as having no other weight than may be derived from their coming from an individual, whose situation, perhaps, enabled him to form a judgment on grounds not so open for observation to the public at large as to himself.

It has been the earnest desire of the directors of the Bank of the United States so to conduct the preliminary measures and organization of that institution as to insure, as speedily as possible, the accomplishment of some of the great ends of its establishment; and among them, pre-eminently, that of aiding in restoring the currency of the United States to a specie medium; in this desire the direction has always been unanimous, and a single dissention on this head has not, to my knowledge, existed among its members.

One of the earliest measures of the bank has been to send an agent to Europe, for the purpose of purchasing and importing into the United States an amount of specie, which, when received, cannot fail to have a very favorable effect on the money circulation of the country. In this measure and object several of the State banks have united; and from the respectability of the agent selected for this purpose, and the means and powers with which he is invested, there appears to be no reasonable ground for apprehension of a failure in his accomplishing the object of his mission.

Prior to my leaving Philadelphia, (December 31,) no discount had been made by the bank, or any of its branches. A resolution had been adopted by the Board of Directors, on the 18th of December, of the following tenor, to wit:

Resolved, That on the 31st instant, the board will proceed to discount notes or bills not having more than sixty days to run, and made payable to the Bank of the United States, secured by a deposite of an equal amount of the stock of this bank, or an equal amount of public debt, at ninety per cent. on the par value thereof, with power to sell and transfer the said stock, or debt, in default of payment, when due, of the notes which may be discounted as aforesaid; and that the respective boards of directors of the offices of discount and deposite at Boston, New York, and Baltimore, be authorized to discount, in like manner, upon the same terms and conditions, and to an extent not exceeding one-tenth of the amount of the subscription to the capital of the bank, at their respective places.

This resolution was subsequently modified on the last day of my being at the board prior to my leaving Philadelphia, and, among the alterations, on two points named by myself, the one was that the notes on which discounts might be made, should be payable at maturity in specie, or bills of the Bank of the United States; and the other, that no stockholder should be entitled to a discount under the resolution, unless he paid into the bank the stock proportion of the second instalment due on his shares. I believe, also, that the resolution was so modified as to make it apply to the subscribers to the bank; but I do not recollect that there was any preventive provision, which would deprive a stockholder, who had previously paid in the specie part of his instalment, from availing himself of a discount under the resolution. I think no such restriction existed.

As the resolution of the 18th of December was modified, and as I do not find among my papers a copy of it when amended, and as I was much occupied at the time in preparing to leave the city, I cannot be so precise, as I should wish to be, in the communication I have now the honor to make to the committee; for the same reasons I cannot trust myself to detail the motives which induced the passing the resolution as it was ultimately adopted, lest I should be guilty of an injustice to the views of the gentlemen with whom I had been called to act, by giving an opening to any unfavorable imputation, to which they could alone be exposed by the inaccurate medium through which their sentiments would in that case pass. In compliance, however, with what I understand to be the wish of the committee, I will, with their permission, briefly state my own impressions on the subject.

It has been, and still is, my most earnest desire, in common with that of the other directors, to carry this bank into the most speedy and extensively useful op-

eration that its provisions will admit, and, as one means of doing this, to fortify it by the accumulation of specie in its vaults by every fair method in its power to adopt. Under these dispositions, it was repugnant to my wishes to have any arrangement made which might carry with it to the public the appearance of a contrary intention on the part of the direction, while I know that no such disposition exists in it; still, as the national objects of our pursuit must always be limited by the means of attainment at our command, candor did elsewhere, and still does compel me to state, that if the resolution of the 18th of December, or its modification, does not violate the provisions of the charter, or law establishing the bank, (which I hope presently to show that it does not,) the effects of it are calculated to promote the interests of the public, uphold the credit of the bank, and to carry into effect the beneficent views of the Government in its establishment, more promptly than could be done without the adoption of that resolution.

It is evident that the usefulness of the bank must be dependent on the means in its possession to carry its operations to an extent, in some degree, commensurate with the public expectations. These means are at present exclusively confined to its own capital. The Government can and will give to it eventually a permanent power and influence, through its deposites, and the collection of its revenue, over all the other moneyed institutions in the country; but these are golden advantages only for the future—at present they do not exist. The bank has not been in a state to receive deposites from individuals, and if it had been, individuals would not make such deposites in specie for general use; and the Government has not the funds to place in it, except in a depreciated State bank paper, which the Bank of the United States could only reissue to the order of Government without benefit, or be obliged to replace, at a heavy loss, by its own paper, which never can be other than the representative of the precious metals, at the rates which make them the only lawful currency of the country.

Thus situated and divested of external aid, attention was naturally turned to the receipt of the second instalment, as the principal means of strengthening the resources of the bank, when it was perceived that, from the unfortunate state of the money market, and the deranged bank circulations of the country, and the light penalty incurred by an omission duly to make the second instalment, instead of inducements being offered for punctuality, a premium was, in fact, proffered to delinquents.

By the provisions of the charter, the only penalty attaching to a non-payment of the second instalment, prior to the declaration of the first dividend, is the forfeiture of that dividend, which must, of necessity, from the heavy expenses of the institution, and the circumstances in which it has been placed at its commencement, be an extremely small one, perhaps not exceeding (if the intervening charges are deducted, as they ought to be) two per cent. on the first instalment, thus leaving, if specie maintained the rate it was at in Philadelphia, at the time the resolution passed, of eight per cent. advance, (and if any excitement had been produced, by a large increased demand, it would have risen to ten or twelve per cent.,) and it should also fall to its par value in July, as it must do, if the banks then resume their specie payments, a gain to the stockholder, who refused to meet the payment of the instalment, of at least thirty-three and a third per cent. on the amount of the dividend, more than would be received by him who honorably paid it.

Thus circumstanced, if it were practicable to offer an inducement or facility for the payment of this instalment, without an infringement of statutory provisions, it would seem to have been desirable to do it.

A large part of the stock is, undoubtedly, in the hands of real capitalists, who have embarked their funds in the institution, and intend to share its fate; but it ought not to be concealed, that some part of the stock, and that not a small one, is in the possession of those who very fairly mean to make an advantageous use of the confidence they reposed in the good faith and resources of the country, over that manifested by others of their fellow-citizens. But whether the stock be held by the one class or the other, experience has verified to the conviction of most persons, who have had occasion to remark it, that any very strong reliance upon the constructive obligations of moneyed men, in opposition to their pecuniary interest, and in the absence of any special agreement on their part, would form a most fragile dependence for a great banking institution to bottom its operations upon.

If I have succeeded at all in my object, sir, it will then be perceived, first, that it was important to secure to the bank the receipt of the second instalment of its capital; and next, that the bank possessed no effectual means to enforce that payment in opposition to the wishes of the stockholders. The question then fairly arises, have the directors of the bank adopted any measures, violating the provisions of the act of incorporation, by creating that inducement?

The bank undoubtedly is authorized to conduct its business, on accustomed or usual banking principles. No restrictions exist in the law restraining the commencing discounts to an appointed day. This part of the operations of the bank rested, therefore, in the discretion of the directors.

Nearly, if not all, the banks in the United States, it is believed, begin their discounts on the payment of the first instalment; it was done by the former United States Bank. The present bank has received some months past this instalment, amounting to thirty per cent. of its capital, exclusive of that portion belonging to the Government, and by the resolution before referred to, it has authorized discounts to the extent of ten per cent. on its individual subscriptions. This would seem to be fully within the authorized powers of the bank, and if the resolution does not, as I presume it does not, interdict a stockholder who had before paid his instalment from obtaining a discount, the proceeds of that discount may be applied to any object to which he may choose to appropriate it; here, then, is no violation of the charter. It is true stockholders may and will obtain discounts, and with the funds procured from such discounts pay their instalments; but the question then recurs, if the provisions of the law have not been violated, will the bank be benefitted or injured by the measure that has been adopted? a consideration perhaps more directly applying to the stockholders on the one part, and the directors on the other. But, for the reasons before stated, I both hope and believe that the interest of the bank and the public will alike be promoted by the course that has been pursued, from the effect which it will produce, in securing possession to the bank of a part of its capital, which it could not otherwise so speedily have commanded.

Permit me, sir, before closing this very hasty letter, written on the spur of the occasion, without prepara-

tion, and with scarcely a single minute to refer to, or even the law establishing the bank before me, to solicit your indulgence for any deficiencies it may exhibit, and also to allow me to express my full confidence that, while the directors of the bank ought to feel grateful for the wakeful vigilance that is manifested towards them, they would derive great satisfaction from submitting all their proceedings to the inspection of any agent or committee who might be appointed for that purpose by the honorable House to which you belong; as they would be desirous of an opportunity to prove that they have at least endeavored to merit that countenance and patronage which they are sure of receiving, when merited, from the National Legislature; and on which, crippled and environed as the institution must be in its outset, with difficulties arising from the perplexed state of the different local currencies of the United States, the directors have calculated, as affording to them the surest basis to sustain the bank in the due estimation and confidence of the public, and to insure to it that degree of usefulness to which the interest of the Government, the magnitude of its capital, and the important duties it has to fulfil, so justly entitle it. I have the honor, &c.,

JAMES LLOYD.

To the Hon. Mr. Calhoun, *Chairman, &c.*

Mr. Forsyth observed the report and documents were of so singular a character, that he could not, for one, pretend to decide on them on merely hearing them read through, and moved that they lie on the table, and be printed.

After some conversation between Messrs. Calhoun, Forsyth, and Pitkin, on the nature of the evidence adduced by the committee, &c., the motion for printing was agreed to.

ARMY APPROPRIATION.

The House then, on motion of Mr. Lowndes, went into Committee of the Whole, on the bill making a partial appropriation (in blank of course) for the subsistence of the Army during the year 1817.

The reason stated by the Committee of Ways and Means for reporting this bill at present was, that, it being usual to advance a certain sum to contractors for rations, it was necessary to make a partial appropriation for facilitating the contracts about going into operation.

The blank was filled with $400,000.

Mr. Clay rose, not to object to the bill, but to observe, that the great expenditure annually required by the Military Department, which this year would probably exceed six millions, must have struck every one, and on the necessity there was that the House should be certain that a proper investigation and scrutiny into these expenditures should take place; as he believed there were three committees who might each very properly consider the duty as devolving on them.

Mr. Lowndes stated the course adopted by the Committee of Ways and Means, in acting on the estimates for the Military Department; the limited power of that committee in controlling those estimates, &c.

Mr. Johnson, of Kentucky, made some remarks to show that the appropriations heretofore made were necessary for the military service; and stated the different branches of the War Establishment, the Indian department, the Ordnance department, fortifications, arsenals, &c., the expenses of which were defrayed out of the annual military appropriations, though the great loss in the destruction of military stores, and at the manufactories of arms, &c., had swelled the expenditures beyond what ought hereafter to exist; and expressing his anxiety for economy in every branch of the Government, and his wish to reduce, as soon as practicable, the public burdens, &c.

Mr. Root explained the course adopted by the select committee (of which he is the chairman) in examining the accounts of the War Department; their measures to prevent improper allowances; and their efforts to ascertain the possibility of, and to produce retrenchment in the public expenditure.

Mr. Clay still thought the Government paid more money and got less military services than any other country in the world, and his object was to know if any proper examination had been made to ascertain whether the extraordinary expenditure of the Military Department might not be retrenched, &c.

Mr. Randolph expressed his pleasure at hearing in this House the long-exploded word economy, and at witnessing the most distant ray of promise of a return to old Democratic principles; and then went into a pretty general view of what he termed the extraordinary expenditures of our Military Establishments, which, in the Army, amounted to about $900 a man, and in the Navy to nearly $1,000 per man. He referred to his motion at the last session to reduce the Army, and its failure, and the resolution he had taken to make, during the remainder of his public life, no further attempt to reform public abuses, &c. He commented on the enormous amount of the civil expenditures of the Government, which arose not from enormous salaries, (for, he said, many of their officers were absolutely starving,) but from the great number of officers, greater than in any other country, under the General and State Governments. Having, as this House had, no patronage whatever, but only the odium of every obnoxious public measure, they ought to still feel the necessity of scrutinizing into the public expenditures; and as it was impossible, in the nature of legislation, divided into opposite parties, for a member of the minority to make any effectual attempts to correct abuses, he called on the members of the majority to perform that duty, and expressed his pleasure at hearing those gentlemen (Messrs. Clay and Johnson) using the almost unparliamentary word economy, and talking about retrenchment, &c. To the bill under consideration, however, he had no sort of objection.

Mr. Clay, in reply, said that if he had been alluded to, his opinions had undergone no change, since he had voted on Mr. Randolph's motion at the last session; that he did not yet think the Military Establishment ought to be destroyed, but that now, as always, he desired to know whe-

ther the expenditures were requisite, whether appropriations were necessary and properly applied, and in what way the public money could be economised, &c.

Mr. LOWNDES also replied to Mr. RANDOLPH, as to the extraordinary expense alleged to be incurred by the Government for each man in the military service. The military force might be so small, the number so few, that in dividing amongst them the whole expense of all the branches of the establishment, it might swell the cost of each man to what had been stated, but it would be a most extraordinary mode of estimating the expense of the Army, and he offered facts and arguments to show that the expense of each man had not exceeded $400; that the amount of the Army greatly exceeded the number of 7,000, as surmised in the debate, and the less reason there consequently was to suspect a wasteful expenditure or excessive appropriations heretofore.

The Committee of the Whole then rose, and reported the bill as amended, in which the House concurred; and the bill was ordered to be engrossed for a third reading.

PAYMENT FOR LOST PROPERTY.

The House then resumed the consideration of the unfinished business of yesterday, being the bill to amend the act to make payment for lost property, &c. Mr. INGHAM'S motion to amend the bill by inserting a new section, declaring that the 9th section should not be construed to extend to houses occupied by the military forces of the United States, except the same shall have been occupied by authority of an officer or agent of the United States, as a place of deposite for munitions of war—being still under consideration.

After some remarks from Mr. HARRISON in opposition to the motion, the question was taken, and the amendment adopted—ayes 81, noes 60.

Mr. ATHERTON, after remarking on the necessity of preventing the testimony, as by the act it now was, from being ex parte and unfair, and the necessity of providing against fraud and imposition, moved an amendment which was, substantially, that in all cases where the claims exceeded the sum of $200, the testimony should be taken before a commission for that purpose appointed.

The amendment was received without opposition.

Mr. WRIGHT then, after some introductory remarks, moved to add a new section to the bill, providing that in all cases where destruction of houses by the enemy shall have been consistent with the practice of civilized warfare, the same shall be paid for in the same manner as is provided for by the 9th section of the act of last session.

Mr. WRIGHT supported very warmly, and at some length, the justice of his proposition, in which he was joined by Mr. ROBERTSON, who argued against the policy of depriving distant citizens by repealing a provision of a law, of benefits which had been enjoyed by other citizens whose vicinity to the Seat of Government enabled them to avail themselves promptly of it.

Mr. BARBOUR explained the reasons which would induce and justify his vote against the motion: and

Mr. HARRISON submitted additional arguments in support of the amendment, though not exactly conformable to his views.

After some observations by Mr. ROSS, in opposition to the motion, and an unsuccessful call by Mr. WRIGHT for the yeas and nays, the question was taken on the amendment and decided in the negative without a division.

Mr. MCLEAN then introduced, with a few explanatory remarks, a motion to amend the bill by inserting a provision, that any house or other property destroyed or injured by order of any officer of the Army of the United States in the late war, such loss or damage shall be allowed and paid under the provisions of this act; which motion was lost by a large majority.

Mr. PICKENS moved to amend the provision authorizing a commission to take evidence, substantially, so as to allow the commission to inquire whether there be any evidence in favor of the United States.

The question was then taken on engrossing the bill for a third reading, and decided in the affirmative, by a large majority.

SATURDAY, January 11.

The engrossed bill making a partial appropriation for the support of the Military Establishment of the United States, was read a third time and passed.

The engrossed bill to amend the act authorizing payment for property lost, captured, or destroyed in the military service of the United States, was read a third time; and, after some objections by Mr. WRIGHT to its details, to which Mr. YANCEY replied, the bill was passed.

Mr. T. M. NELSON, from the committee appointed on the 12th ult., reported a bill authorizing the commutation of soldiers' bounty land, which was read twice, and committed to a Committee of the Whole.

Mr. JOHNSON, of Kentucky, from the Committee on Military Affairs, reported a bill to amend an act entitled, "An act making further provision for military services during the late war, and for other purposes," which was read twice, and committed to the Committee of the whole House, on the bill for the relief of infirm, disabled, and superannuated officers and soldiers.

Ordered, That the Committee of the Whole, to which is committed the bill supplementary to the act regulating the duties on imports and tonnage, passed the 27th of April, 1816, be discharged from a further consideration of the said bill, and that it be recommitted to the Committee on Foreign Relations.

CANADIAN VOLUNTEERS.

Mr. BROOKS, from the committee appointed to inquire whether any amendments are necessary to the act passed at the last session granting boun-

ties in land and extra pay to certain Canadian volunteers, made a report, which was read; when Mr. B. presented a bill to amend an act, entitled "An act granting bounties in land and extra pay to certain Canadian volunteers," passed the 5th March, 1816; which was read twice, and committed to a Committee of the Whole.—The report is as follows:

In examining the act, it appears that no specific term of service is required to entitle the applicant to the benefit of the bounty; that the law is vague and defective, affording an opportunity for numerous claims upon the Government when no essential services have been rendered.

It appears by the documents in the War Department, compared with other evidence, that frauds have been and are attempted to be practised by officers and soldiers in support of their claims which had occasioned a partial suspension of the execution of the law, as appears by a communication from the Secretary of War, to which reference is had.

The law will admit of an extension to, and embrace cases far beyond what could have been contemplated at the time it was enacted, and such as justice and policy do not demand.

In referring to the muster-rolls of the corps called the Canadian Volunteers, it appears to have consisted of nearly the full number of field and staff officers for a regiment, with a very small number of privates—not at any time exceeding thirty-eight mustered as present—and that very little service could have been rendered by them to the Government.

In pointing out the defects of this act, we would not lose sight of the object intended by it. It has given relief to some brave men who had suffered a total loss of property, and there are still others belonging to various corps in service in the late war who are equally meritorious, and who have not yet received the intended relief.

Your committee are of opinion that an amendment is necessary, and have reported a bill for that purpose.

Department of War, *Dec.* 26, 1816.

Sir: In answer to your letter of the 18th instant, I have the honor to state that, immediately after the passage of the law of the last session granting bounty land and extra pay to certain Canadian volunteers, rules were adopted prescribing the evidence which was necessary to entitle the parties interested to the benefits of the act.

Under these regulations, warrants were regularly issued where the evidence was conformable to the rules which had been prescribed, until late in the Summer. About that time information was received from various quarters, stating that frauds had been practised in obtaining evidence in support of several claims which had been allowed.

Claims to a considerable extent were presented from Detroit, and others were understood to have been preparing from Lake Champlain and the St. Lawrence; to the latter of which fraud was also imputed. Under these circumstances, it was determined to postpone the decision of all claims until after the meeting of Congress, except those whose names were found on the muster-rolls of Colonel Wilcox's corps.

It appears to be necessary, to guard the public against imposition, that the term of service entitling the volunteer to the benefits of the act should be defined. As the law now stands, one week's voluntary service will entitle the party to land bounty and pay, if the engagement was only for that term.

It appears to be impolitic to permit the parties to locate their warrants before the lands have been exposed to public sale. Much inconvenience and loss to the public have been sustained by omitting that restriction.

I have also the honor to enclose copies of communications to this Department and to the Paymaster General in relation to frauds attempted to be practised in obtaining testimony.

I have the honor to be your most obedient servant,

GEORGE GRAHAM,
Acting Secretary of War.

Hon. M. Brooks, *Chairman, &c.*

MILITARY ESTABLISHMENT.

Mr. Hammond, of New York, offered for consideration the following resolution:

"*Resolved*, That the Secretary of War be directed to state to the House the number of the officers and privates belonging to the several corps of the artillery, (including the light artillery,) infantry, and riflemen, now in the service of the United States."

Mr. H. said, that from the letter of the Secretary, laid yesterday on the table, transmitting an estimate of the appropriations for the year 1817, it appeared that appropriations were proposed to be made for ten thousand privates—the whole number of troops authorized by law to be kept in service; that, from some remarks made by the honorable Speaker, and from the chairman of the Military Committee, it appeared to be their opinion that the number of troops now in actual service did not much exceed seven thousand. It appeared to him that, in order for the House to act with propriety when they should make appropriations, it was necessary that they should possess more certain information as to the actual number of troops in the service of the United States. It was with this view he had proposed the resolution under consideration. If the nation were at war, or if any danger of a rupture with any foreign Power could be reasonably apprehended, a communication of this sort might be improper. At present, happily, there could be no foundation for objections of such a nature.

After some conversation on the subject, the resolution was so modified by the mover as to direct the Secretary of War to communicate to the House the number of officers and privates composing the whole Military Establishment in the service of the United States, particularizing the strength of each corps and regiment, and in that form agreed to.

INTERNAL IMPROVEMENT.

Mr. Jackson, of Virginia, after adverting to the proceedings had at the last session upon a similar proposition, and the propriety of an appropriation of money for attaining its object, moved the first of the following resolutions. He further stated, he would also present for inquiry another resolution having a similar object, but depending upon a different principle. The first proposed an appropriation of land or money, where none was

pledged; the second to make provision for the application of a fund already set apart for making roads. It would be recollected, he said, that, by the compact with the new State of Indiana, the faith of Congress was pledged to expend a certain portion of the money arising from the sales of land in that State for the purpose of opening roads leading to it—a principle, he remarked, which was adopted when the State of Ohio was admitted into the Union, and to which we owed the benefits, in possession and in prospect, of the great national turnpike leading from Fort Cumberland to Wheeling. He wished to renew the inquiry into the claims of another section to a portion of money within the control of Congress, and with that view he had purposely limited the operation of his resolution; whilst he admitted the propriety of extending the great road he had alluded to from Wheeling, he believed it was just and proper to open another, leading in a more direct line from the Metropolis of the nation to the newly admitted State. The following are the resolutions moved by Mr. JACKSON:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of providing by law for making an artificial road from Washington, in Pennsylvania, through Charlestown, on the Ohio river, to the river Sandusky, at or near Fort Stephenson.

Resolved, That the same committee be further instructed to inquire into the expediency of appropriating that part of the net proceeds of moneys arising from the sale of land in the State of Indiana, which by compact with that State is set apart for opening roads, to making an artificial road from Winchester, in Virginia, to the Ohio river, at or near the mouth of Muskingum river, and from thence, by or near Chilicothe, on the Scioto river, to the said State of Indiana.

The resolves were agreed to.

Mr. PICKENS submitted for consideration the following resolution:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of providing by law for the making of surveys and levels for several of the most practicable points of communication between the waters of Tennessee river, and those of Coosa and Tombigbee rivers, and also of the shoals and falls on the two last mentioned rivers.

Mr. PICKENS made a few remarks in support of his motion.

Mr. RANDOLPH suggested, that all the favor of gentlemen of the House appeared to be directed to the new countries, in neglect of the old States. In regard to the part of North Carolina which the gentlemen represented, and the adjoining territory of Virginia, there was no part of the country that had experienced less of the sunshine of Government than they had. But the fact was, they had asked nothing of the Government; they were in the habit of living on their own means, not of quartering themselves on the nation, on the public, or on the parish. No district in the United States, he said, stood so much in the relation of a step-child as the country represented by himself and the honorable gentleman. There was no country for which so little had been done. He did not know that he should have troubled the House with any remarks on this head, but for a morning puff on the Post Office Establishment, the benefits of which, he intimated, were dispensed with a sparing hand in the district which he represented. The excellence of the establishment there was such, he said, that a broad wheeled wagon, laden with two heavy hogsheads of tobacco, would go from his house to Richmond in a day and a half less time than the mail did, which was besides only weekly. He wished to know of the Committee on Post Offices and Post Roads, whether anything was to be done to remedy this evil. But, with regard to the navigation of the Tombigbee, were the old United States about to play the part of King Lear in the tragedy? Was the whole territory, the whole soil, to enure to the benefit of the Western States and Territories, and were the old States to have no part at all of the common stock? What was to become, then, of the navigation of the waters of the Chesapeake and contiguous waters, and of the navigation of the Catawba and the Yadkin, &c.—objects which, Mr. R. said, he should suppose would interest the gentleman from North Carolina much more than the navigation of the Tombigbee, and the Coosa, and the Tennessee. He saw, he said, with surprise and regret, the course the Government had taken and was taking. He did not refer to any Constitutional difficulties whatever; but he saw distinctly that the old United States, particularly that State to which the Government owed almost all its territory east of the Mississippi and west of the Ohio, was not to be benefitted by any expenditure in respect to canals and roads, except such benefit as that State would contingently receive by the road from Fort Cumberland passing through a part of the State. Why, Mr. R. asked, did not gentlemen propose to improve the navigation of the Roanoke, the Catawba, and the Yadkin? He could not understand it. He could not see why all the benefits of an expense, equally borne by all, was to enure entirely to the Western States and Territories. To them he paid all due respect, and was desirous they should have their due weight; but he should wish to see something like the principle established that the children of the family should have share and share alike; that some should not be cut off their inheritance, whilst others were bountifully fed at the public breast. If, by the grant of her claim to the United States, Virginia had given away her right, had put it into the common fund, he did humbly conceive, he said, that she had not thereby foreclosed herself from any future advantage from that country, and had as good a right to expect to see the products of it laid out within her own territory as in Ohio, or Indiana, or Illinois.

Mr. PICKENS acknowledged, he said, that the State of North Carolina had asked and received little from the General Government; but he was happy to say that, from her own resources, she was progressing in the work of internal improvement as rapidly as any other State. In the last

sitting of the Legislature, they had provided for an examination or commencement of every improvement which could be suggested from the Atlantic to the dividing ridge. He trusted, also, that that State, as well as the State which the gentleman represented, would receive an equal share with others of the public attention. As to the navigation of the Atlantic coast, that, he said, was a subject which the Committee of Roads and Canals would certainly embrace in their general plan; and it was merely to call their attention to a point which might otherwise escape it, that he had introduced this motion. Besides, the land in that quarter of the country being the property of the United States, it might be proper to show to the people that the eye of the Government was turned to that quarter as well as to others.

Mr. Randolph said, the land in that quarter indeed did belong to the United States. But who paid for it? The United States, and not the people of that Territory. The United States had paid the State of Georgia for it, and were all equally entitled to the benefit of it. He should be glad to know why Pennsylvania, New York, and Old Massachusetts, had not as good a right to draw money from the Treasury, let it get in as proceeds of public lands or otherwise, as these new States. He wished to be understood not as speaking disparagingly of those new States; all he wished was, that the elder brethren should not be cut off, with (not the portion of the younger children,) but no portion at all—that the children of the second marriage should not sweep away the whole estate. On this point, he said, the explanation of the gentleman was not satisfactory. But he congratulated the gentleman on the projected improvements of the navigation in North Carolina. How long, he asked, since the navigation of the Roanoke was proposed to be opened? Some twenty years; but there had not yet been one stroke struck towards it. With all his respect for North Carolina, and Mr. R. said, he had great respect for the people, the habits, and even the prejudices of that State, he was afraid the improvements spoken of would be seen for a long time on the face of her statute book, before they could be seen on the face of the country.

Mr. Harrison said, the gentleman from Virginia was mistaken, if he supposed the money, from which the expense of making the Cumberland road was defrayed, was taken from the Treasury, to the prejudice of the right of other States. No; the application of a certain part of the proceeds of the sales of public lands to that road, was the result of a fair compromise; by which, in fact, the State of Ohio had sold its inheritance to the United States for a mess of pottage, as every new Western State did. The State of Indiana, he said, had sacrificed an annuity of two or three hundred thousand dollars a year for a gross sum of fifteen thousand dollars, by sacrificing the right to tax the lands of the United States. There was not a road or improvement in the new country from which the Government of the United States did not derive its full share of the advantages. Let gentlemen turn their attention to the sales of land in that country; in one month, if report is to be believed, lands had been sold to the amount of one million of dollars; of which, a very small amount was applicable to making roads. Mr. H. said he should certainly, as a Representative from a new State, be very willing to see Virginia deriving her full share of money appropriated from the Treasury for the purpose of internal improvement.

Mr. Yancey said he was a member of the committee to whom this subject was proposed to be referred. He was opposed to the present motion, not for the reason assigned by the gentleman from Virginia, though he completely subscribed to the declaration of that gentleman, that the General Government had done nothing that it could avoid for the benefit of North Carolina, or the part of Virginia the gentleman represented. But no good could be effected by this motion, because, as he understood the opinion of the committee, it was that the committee should make a general report on internal improvement, and that no particular object should be presented for the consideration of the House, as it would be improper to take up any one improvement distinct from a general system.

Mr. Pickens said he had not been apprized of this determination of the committee, which would make it unnecessary for him to press his motion, which he therefore consented should lie on the table.

Mr. T. Wilson said, that though the determination of the committee had been as stated, there would be no objection to the passage of the resolution, because it would guide the attention of the committee, who would be glad to avail themselves of all the lights on the subject, to an improvement that might not otherwise receive their attention. In regard to the intimation that nothing had been done for North Carolina and Virginia by the General Government, in the way of internal improvement, Mr. W. asked what had been done in any other State? Nothing at all, he said; so that the complaint of gentlemen on that score, was without any just ground.

Mr. Randolph made some further remarks, amongst which was this: that, as an individual, he had rather there should not be an acre of public land sold in thirty years—on account of the effect of these sales to drain the old States of their population and wealth.

Mr. Harrison rejoined a few words, and the resolution was then agreed to.

VACCINATION.

The House then, on motion of Mr. Condict, proceeded to the consideration of the engrossed bill (lying on the table) supplementary to the act for the encouragement of vaccination.

Mr. Atherton observed that the bill had two aspects, one as it respected the Army and Navy of the United States. Another as it respected the people of the United States, exclusive and independent of the Army. As far as the Army were concerned, he hesitated not to say that it was

among the first duties of the Government to extend the blessings of vaccination to that Army. He said it was essential to the health, security, and efficiency of the Army. But he doubted the expediency of appointing a special agent for that purpose. He said the medical and surgical department of the Army was now very numerous and expensive to the country. He had heard no sufficient reason assigned why they were not adequate to the vaccination of the Army. If they were incompetent to this important part of their duties, he would then say, there had been a monstrous abuse of power in their appointment. He presumed it would not be contended that they were overburdened with business. So far from this being the fact, he imagined, considering their numbers and pay, they had very little to do, and that it would be a mercy to them, as well as very much to the reputation of the Government, if some employ could be found for them. In its aspect towards the people, he said, it involved a question of more serious consideration than that of mere expediency. He believed the people would view it with some degree of jealousy and alarm; they would inquire, with some surprise, what article in the Constitution gave to Congress the power of levying taxes for the support of agents in the different departments of the healing art? This principle the bill recognised and sanctioned. To what extent, Mr. A. inquired, may not this be carried? Congress may be of opinion that the good people of the United States suffer great impositions from the use of spurious and unwholesome balsams, from patent medicines, &c. And, in order to protect us against their frauds and impositions, Congress may appoint an agent for balsams and an agent for patent medicines. And why not as well as an agent for vaccination? Mr. A. observed that in that State of which he was a Representative, New Hampshire, physicians made it a point to preserve the genuine vaccine matter—that they inoculated at little expense and even gratuitously—that if there was an improper inattention to this subject, it was very competent to the Legislature of that State to enact regulations and to appoint agents, which he said they could do with much more intelligence, much more satisfaction, and with much more advantage, to the people of that State, than Congress could do for them. But, said Mr. A., there is another objection to this bill, which he thought must be very obvious to the House, and particularly to the gentlemen of the medical profession in it. He had ever understood that it required skill and experience to determine whether the patient had taken the genuine disease, or the spurious; that it was by certain appearances in its progress the patient was to be pronounced to have had the true preventive disease. He recollected perfectly well that Doctor Waterhouse, who had been called the Jenner of America, had published to the world that some cases were so ambiguous, that, with all his skill and experience, he was not able to determine on which side they fell, whether among the true or the false cases. He said he had ever understood, that, with physicians of reputation, who were tender of the health and lives of their fellow-citizens, and who were desirous that vaccination should not fall into disrepute, it was considered of great importance that the vaccine matter should not be intrusted to rash and unskilful hands. But what, asked Mr. A., does this bill provide? It makes it the duty of this agent of vaccination to distribute the vaccine virus into the hands of every man, woman, and child, in the United States, who can address a request to him for that purpose. Sir, how many thousands and tens of thousands are there in the United States, who, urged by their own temerity, or a disposition to quackery, will imagine that by the vaccine matter and letter of instructions from this agent of vaccination, as if by a magician's wand, they will at once be initiated into all the skill and knowledge necessary to enable them to pronounce that their deluded patients are safe from the small pox, when they have communicated no disease at all, or, if any, a spurious vaccine disease? Sir, I cannot conceive a more direct method of endangering the health and life of the patient, and, if I am not altogether wrong in these views, the bill upon your table, instead of being a bill for the encouragement of vaccination, ought to be called a bill for the encouragement of empirics, and to bring vaccination into disrepute. Mr. A. said that he did not doubt but the bill originated in humane motives—it bore on the face of it something of the appearance of philanthropy. It was on that account he deemed it proper to assign the reasons that would induce him to vote against it. He had assigned them, and hoped the bill would not pass the House.

Mr. CONDICT replied to Mr. ATHERTON; the arguments *pro* and *con* being of the same character as those previously urged in debate on the subject.

Mr. JACKSON, of Virginia, decidedly opposed the bill on the ground of its unconstitutionality, since no part of the Constitution expressly authorized the grant, and no such power could be inferred from the general clause of the Constitution.

Mr. CONDICT and Mr. WRIGHT replied to this objection—the first inferring the Constitutional authority for the act from its connexion with the Army and Navy; the latter from the charge of the general welfare given to Congress, to which this measure certainly would contribute.

The question on the passage of the bill was then decided in the negative—yeas 57, nays 88, as follows:

YEAS—Messrs. Adgate, Alexander, Baer, Baker, Bassett, Bateman, Bennett, Birdsall, Birdseye, Boss, Bryan, Burwell, Chappell, Clendennin, Condict, Creighton, Crocheron, Findley, Griffin, Hahn, Hall, Harrison, Heister, Henderson, Huger, Hulbert, Jewett, Little, Lowndes, Lyle, McCoy, McLean, Middleton, Miller, Moseley, Murfree, Ormsby, Piper, Pleasants, Powell, Reynolds, Robertson, Ross, Savage, Schenck, Smith of Maryland, Southard, Taylor of New York, Townsend, Wallace, Wendover, Whiteside, Wilkin, Thos. Wilson, Wm. Wilson, Woodward, and Wright.

NAYS—Messrs. Archer, Atherton, Barbour, Baylies,

Betts, Blount, Bradbury, Breckenridge, Brooks, Cady, Calhoun, Cannon, Carr of Massachusetts. Champion, Cilley, Clark of New York, Clarke of North Carolina, Clayton, Cooper, Crawford, Culpeper, Davenport, Desha, Dickens, Edwards, Fletcher, Forney, Forsyth, Gaston, Hale, Hardin, Hawes, Hendricks, Hooks, Hopkinson, Hungerford, Irving of New York, Jackson, Johnson of Virginia, Kerr of Virginia, King, Langdon, Law, Lovett, Lyon, Wm. Maclay, Wm. P. Maclay, Marsh, Mason, McKee, Mills, Milnor, Moffitt, Moore, Jer. Nelson, Hugh Nelson, Noyes, Parris, Pickens, Pickering, Randolph, Reed, Rice, Roane, Root, Ruggles, Sharp, Sheffey, Smith of Pennsylvania, Smith of Virginia, Stearns, Sturgess, Taggart, Tallmadge, Tate, Taul, Telfair, Thomas, Tyler, Vose, Ward of New York, Ward of Massachusetts, Ward of New Jersey, Wheaton, Wilcox, Wilde, Williams, and Yancey.

So the bill was rejected.

MISSOURI CONTESTED ELECTION.

On motion of Mr. Taylor, of New York, the orders of the day were postponed, in order to take up the further report of the Committee of Elections on the contested election of Mr. Scott, Delegate from Missouri.

A debate arose on this subject, which continued until the hour of adjournment.

The same ground was occupied as in the former debate on the same subject—the questions being, first, the right and duty of the House to inquire into the contested election of Delegates, and the necessity, in a contested election, when required by either party, of scrutinizing every vote at an election.

The doctrine was again advanced by Mr. Randolph, that Delegates were rather Diplomatic than Legislative characters, being accredited to Congress, and having a right to sit in either House; and, consequently, that this House had nothing to do but to see that they brought with them a certificate, from the proper authority, of their election.

To which, after argumentatively replying, Mr. Clay, by way of adjusting the present difficulty, humorously suggested to the gentleman, that as there were two persons claiming to represent the Territory as Delegates, one having a seat here, and the other a just claim to it, and the House having (it seemed) no right to determine between them, as they had a right (as the gentleman contended) to sit in either House, that one should be admitted to a seat on this floor, and the other turned over to the Senate.

The sitting Delegate (Mr. Scott) having at a late hour intimated his wish to speak in support of his right to a seat, the Committee rose, and the House adjourned.

Monday, January 13.

Mr. Forsyth presented a representation of David B. Mitchell, Governor of the State of Georgia, on the behalf of that State, representing that in consequence of an informality in notifying the Treasury Department of the United States, of the assumption by the Legislature of the said State, of its quota of the direct tax, the discount of the 15 per cent. has been refused upon the payment of the said quota, and requesting the interference of Congress in the premises, so as to allow and pay to the State the 15 per cent. on the amount assumed and paid.—Referred to the Committee of Ways and Means.

Mr. Pitkin presented a petition of inhabitants of Connecticut, in opposition to the practice of transporting and opening the mails on the Sabbath, which was referred to the committee appointed on a similar petition from inhabitants of Southampton, in Massachusetts.

Mr. Nelson, from the Committee on the Judiciary, reported a bill to amend and explain the act for designating, surveying, and granting military bounty lands, passed the 6th of May, 1812; which was read twice, and committed to a Committee of the Whole.

Mr. Nelson also reported a bill to explain the act "to authorize certain officers and other persons to administer oaths," approved May 3d, 1798; which was read twice, and ordered to be engrossed and read a third time to-morrow.

Mr. Johnson, from the Committee on Military Affairs, reported a bill authorizing the establishment of a National Armory; which was read twice, and committed to the Committee of the Whole, to which is committed the bill for the relief of infirm, disabled, and superannuated officers and soldiers.

Mr Wright, submitted the following resolution, which was read and ordered to lie for one day:

Resolved, That gentlemen elected members of either branch of the National Legislature, shall be admitted within the hall of the House of Representatives.

The Speaker laid before the House a letter from the acting Secretary of War, transmitting a statement of the number of officers and privates composing the whole military force of the United States, in obedience to the resolution of the 11th instant; which was referred to the Committee on Military Affairs.

The Speaker also laid before the House a letter from the Secretary of the Treasury, transmitting a report in obedience to the resolution of the House of the 9th of March, 1816, directing him "to report whether any, and, if any, what alterations are necessary to equalize the duty on the capacity of stills, boilers, and other instruments used in distillation;" which were referred to the Committee of Ways and Means.

MISSOURI CONTESTED ELECTION.

The House then resumed the consideration of the contested election of Delegate for Missouri Territory.

Mr. Scott (the sitting Delegate) defended his right to his seat at considerable length, and with no little ingenuity.

The question was at length taken on the first part of the resolution moved by the Speaker, viz: That the petitioner Rufus Easton was entitled to the certificate of being elected—and negatived, 79 to 68; and the remaining part of the

proposition (that Mr. Easton was entitled to a seat) was withdrawn by the mover.

Mr. T. M. NELSON then moved a resolution to the effect that, the election of Delegate for the Territory of Missouri having been illegally conducted, the seat of the Delegate for that Territory had become vacant, and that a new election be ordered; and that the Speaker communicate this resolution to the Governor of the Territory. The question on the resolution was then put in separate questions, when that part which related to the election being illegal, the seat being vacant, and the Speaker commuicating the same to the Governor, was carried; whilst so much as related to a new election for the Territory, was negatived.

On the motion of Mr. JOHNSON, all the orders of the day preceding that on the compensation law, was postponed to the day after to-morrow, in order to afford that gentleman an opportunity to-morrow of redeeming his pledge on that subject, and bringing on the discussion of it.

JOHN PAULDING.

Mr. CHAPPELL made a report unfavorable to the petition of John Paulding, (one of the citizens who captured the British Adjutant General Major Andre, during the Revolutionary war,) who prays for an increase of the pension allowed to him by the Government in consequence of that service. The report is as follows:

That the petitioner states that he was one of the three persons who arrested Major John Andre, the Adjutant General of the British army, during the Revolutionary war. That for this patriotic service they received the approbation of General Washington and the Congress, and also an annuity of two hundred dollars each. He states that he is now old, has a large family, some of whom are infants; that he is very infirm, and incapable of hard labor; that his annuity is his greatest dependence to maintain himself and family; and asks Congress to increase the allowance which he now has, or to grant him such further assistance as his faithful and patriotic services, and his infirmity and advanced age, may demand.

The petitioner did his duty faithfully, and for it he has been liberally rewarded. However, he did nothing more than his duty; the country expects this much, at least, from every one, and yet it is not expected that she is to support all who have done so. The committee without disparaging the services of the petitioner, can conceive of many individuals, both in the Revolutionary and late war, who rendered services of the highest character, if not equal to those of the petitioner, and who, so far from being so highly favored with the public liberality as he has been, have received nothing, and who have asked nothing. Good policy warns us against adopting such measures as may excite invidious remarks and create jealousies. The petitioner was a private soldier when he rendered the services for which he has been thus liberally rewarded; he was neither wounded, nor in any way injured, nor even exposed to a greater degree of hardship than thousands of soldiers who were then in the service; and yet for those brave men who then fought our battles, and who had the misfortune to lose an arm or a leg, or who became otherwise wounded or disabled, and who have dragged out a tardy, and melancholy, and perhaps miserable existence, no greater provision was made than an allowance of sixty dollars per year, until the last session of Congess, when it was increased to ninety-six. His provision was a far more liberal one. He does not now suggest that his annuity is not sufficient to support himself; but he wishes to be enabled out of the public bounty to support himself and his family too. This is a request which is not granted to those who were disabled in the service of the country, nor to the widows and orphans of those who were slain. It can therefore hardly be proper to grant it to the petitioner. He has no cause of complaint against the Government, and ought to be satisfied; therefore,

Resolved, That the prayer of the petitioner is unreasonable, and ought not to be granted.

A debate of no little interest arose on this question.

Mr. WRIGHT moved to reverse the report of the committee, and to declare that the prayer of the petitioner ought to be granted.

The report was opposed by Messrs. WRIGHT, SMITH, of Maryland, GOLD, FORSYTH, ROBERTSON, and SHARP, on the ground of the importance of the services of this person and his companions, the magnitude of the virtue they displayed, and the justice of making such an addition to the pension allowed to them, as should keep pace with the depreciation of money since the amount of that pension was established. The report was supported by Messrs. CHAPPELL, JEWETT, TALLMADGE, and PICKERING, on the injustice of legislating on a single case of pension for services, which were in fact, though important, but the common duty of every citizen, and in which no disability was incurred; whilst there were many survivors of the Revolution, whom the favor of the Government had not distinguished, and who are languishing in obscurity and want; to whom no relief had been or would be extended.

What gave interest principally to the debate, was the disclosure by Mr. TALLMADGE of Connecticut (an officer at the time, and commanding the advance guard when Major Andre was brought in) of his view of the merit of this transaction, with which history and the records of the country have made every man familiar. The value of the service he did not deny, but, on the authority of the declarations of Major Andre, (made while in the custody of Col. TALLMADGE,) he gave it as his opinion that, if Major Andre could have given to these men the amount they demanded for his release, he never would have been hung for a spy, nor in captivity on that occasion. Mr. T.'s statement was minutely circumstantial, and given with expressions of his individual confidence in its correctness. Among other circumstances, he stated, that when Major Andre's boots were taken off by them, it was to search for plunder, and not to detect treason. These persons indeed, he said, were of that class of people who passed between both armies, as often in one camp as the other, and whom, he said, if he had met with them, he should probably have as soon have apprehended as Major Andre, as he had always made it a rule to do with these suspicious persons. The conclusion to be drawn from the whole of Mr. TALLMADGE'S statement, of which this is a brief extract,

was, that these persons had brought in Major Andre, only because they should probably get more for his apprehension than for his release.

This statement was received with surprise and incredulity, as to Major Andre's correctness, by the gentlemen on the other side of this question. It was very extraordinary, it was said, that at a day so much nearer the transaction than the present, there had existed no doubt on the subject and Congress, as a mark of public gratitude for their honorable conduct on this important occasion, settled on these persons pensions for life. Though testimony was strongly stated by one of the gentlemen (Mr. Smith) to Major Andre's high character and honor, it was impossible, it was said, that the character and conduct of the men should have been as this day represented, yet so differently depicted. The statement of Major Andre, subject as it must have been to be discolored by misapprehensions of the character and motives of Americans, among whom patriotism pervades every rank in life, it was urged, ought to have no weight, indeed it ought not to have been mentioned, in competition with facts on record, and established by full investigation, during the life time of General Washington, who certainly knew all the circumstances of the transaction.

Though this topic made a prominent figure in the debate, it is perhaps proper to say, that the question was decided on the ground taken in the report, and above stated as having been urged in debate in favor of it.

A motion was made by Mr. Forsyth (and lost) to postpone the report to give further time to examine the correctness of the extraordinary view of the subject which had been presented by Mr. Tallmadge.

It was moved to amend the resolution, so as to direct the committee to report a bill for increasing the compensation of the other two of the captors of Major Andre, yet surviving, as well as of the petitioner, which motion was negatived.

The question on the reversing the report of the committee was decided in the negative—yeas 53, nays 80 or 90.

Mr. Little having made an unsuccessful motion to postpone the further consideration of the report, in the hope that a full examination would be made of the question to-day raised as to the merits of these men, whom history described as pure and incorruptible patriots, and whom he fully believed to have been so—

The report was agreed to.

Mr. Chappell, from the same committee aforesaid, also reported a bill in addition to an act, entitled "An act for the relief of John Thompson," which was read twice and committed to a Committee of the Whole.

Tuesday, January 14.

The engrossed bill, entitled "An act to explain the act authorizing certain officers and other persons to administer oaths, approved May the 3d, 1798," was read the third time and passed.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act concerning the Attorney General of the United States," in which they ask the concurrence of this House.

Mr. Forsyth submitted the following joint resolutions, which were read twice and ordered to lie on the table:

Resolved, &c., That the arrangement made by the President and Directors of the Bank of the United States, under which the notes of the stockholders secured by deposite of six per cent. stock of the United States, are received in place of the specie required to be paid as a part of the second instalment, is an unwarrantable extension of the corporate powers of that body, and that the Secretary of the Department of the Treasury, be and he is hereby directed to withhold the deposites of the Government from the said bank, until the proportion of specie required as part of the second instalment is actually paid, according to the true intent and meaning of the act of incorporation.

Resolved, &c., That the discount of any note or the loan of money by the Bank of the United States, to individuals, on the credit of the funded debt of the United States, either transferred to the bank, or to any of its officers, or deposited with an authority to sell the same for the payment of the debt contracted, is a manifest violation of the ninth rule or fundamental article of the constitution of the said bank, and is contrary to the spirit of the fifth section of the act of incorporation; and that the Secretary of the Department of the Treasury, be and he is hereby directed, whenever he shall hereafter ascertain that any discount of notes or loan of money has been made on such security, to proceed forthwith to withdraw from the said bank the deposites of the Government; and that it shall be his duty to give information thereof to Congress, during the first week of its succeeding session.

Mr. Smith, of Maryland, presented a memorial of William Thornton, keeper of the Patent Office, stating that no direct provision exists in the laws upon the subject of patents, inventions, and discoveries, embracing the case of statuary, and soliciting that an additional act may be passed upon the subject.—Referred to the Committee of Commerce and Manufactures.

Mr. Clayton presented a petition of Allan McLane, stating that he commenced his military life as a volunteer in the year 1775, and continued to act in various stations of important trust, of active enterprise, of imminent peril; throughout the checkered scenes of the Revolutionary war, which left him at its close a major of infantry, and that in the great cause of independence he offered up the flower of his life, and expended a handsome patrimony, for which he has never, as he alleges, received the promised rewards; that he is now old, infirm, and poor, and praying that Congress will take his case into serious consideration and pass such act in the premises for his relief as to them, in their wisdom, shall seem just and right.—Referred to the Committee on Pensions and Revolutionary Claims.

Mr. Robertson, from the Committee on the Public Lands, to which was referred the bill from the Senate "to increase the salaries of the register and receiver of public moneys of the land

office at Marietta," reported the same without amendment, and the bill was committed to a Committee of the Whole.

Mr. PICKERING gave notice that he would, on to-morrow, ask leave to bring in a bill further to regulate the Territories of the United States, and their electing delegates to Congress.

A proposition made yesterday, by Mr. WRIGHT, for altering the rules of the House so as to admit within the bar of the House, during its sittings, any person who shall have been elected a member of the Senate, or of this House, was taken up, and on the question, was decided in the negative.

CANADIAN REFUGEES.

Mr. CLARK, of New York, from the committee to whom was referred the petitions of Samuel Thompson, and John Dailey, made a report, which was read and ordered to lie on the table. The report is as follows:

The committee have had the said petitions under consideration, and report the following statement of facts: That it appears, from the documents accompanying the petitions, that the petitioners were both men of extensive property in and contiguous to the village of Newark, in Upper Canada; that, after the taking possession of that place by the United States army, under the command of General Dearborn, the petitioners were active and zealous in their endeavors to promote the success of our arms, and were solicitous to add all in their power to the comfort and convenience of our troops; that they gave up their houses for quarters for our officers and soldiers, and on all occasions manifested so strong an attachment to the American cause that their disloyalty to the British Government was so apparent and notorious that they deemed it unsafe for them to remain in Canada after the evacuation by our army, and they threw themselves under the protection of the American Government; in consequence of which (although there is no direct proof of the fact) there is little doubt but their property has been confiscated; and the petitioners are now far advanced in life, and destitute of the means to enable them to live comfortably.

The committee, not knowing how far the House would go towards remunerating persons of this description, without giving any opinion, and with a view to bring the subject direct before the House, submit the following resolution:

Resolved, That the committee be instructed to bring in a bill for the relief of the said Samuel Thompson and John Dailey.

NEUTRALITY.

Mr. FORSYTH, from the Committee on Foreign Relations, reported the following bill:

A Bill to prevent citizens of the United States from selling vessels of war to the citizens or subjects of any foreign Power, and more effectually to prevent the arming and equipping vessels of war in the ports of the United States, intended to be used against nations in amity with the United States.

SEC. 1. *Be it enacted, &c.*, That if any citizen of the United States, shall, within the limits of the same, fit out and arm, or attempt to fit out and arm, or procure to be fitted out and armed, or shall knowingly aid or be concerned in the furnishing, fitting out, or arming any private ship or vessel of war, to sell the said vessel or contract for the sale of the said vessel, to be delivered in the United States or elsewhere, to the purchaser, with intent or previous knowledge that the said vessel shall or will be employed to cruise or commit hostilities upon the subjects, citizens, or property of any Prince or State with whom the United States are at peace, such person so offending shall on conviction thereof be adjudged guilty of a high misdemeanor, and shall be punished by a fine not exceeding ten thousand dollars, and imprisonment not exceeding ten years; and the trial of such offence shall either be in the district of the United States wherein the vessel was fitted out and armed, or in that wherein the contract of sale was made.

SEC. 2. *And be it further enacted*, That the owners of all armed ships, sailing out of the ports of the United States, and owned wholly or in part by citizens thereof, shall enter into bond to the collector, with sufficient security, prior to clearing out the same, in double the amount of the value of the vessel and cargo on board, including her armament, that the said ship or vessel shall not be employed, either by the owners or by any person to whom they may sell, or pretend to sell, the same, in cruising or committing hostilities upon the subjects, citizens, or property of any Prince or State with whom the United States are at peace.

SEC. 3. *And be it further enacted*, That the collectors of the customs be, and they are hereby, respectively authorized to detain any vessel bound from the United States, whenever the cargo on board shall principally consist of arms and munitions of war, and when, from the number of men shipped on board, or from any other circumstance, it is their opinion that there is an intention to violate the neutral obligations of the United States to foreign Governments, until the decision of the President be had thereupon, or until the owner enters into bond and security, such as is required of the owners of armed vessels, by the second section of this act.

SEC. 4. *And be it further enacted*, That no foreign ship or vessel shall be armed and equipped, nor shall the force of any foreign armed ship or vessel be encreased or augmented in the ports of the United States, under any pretext whatsoever.

The bill was committed to a Committee of the Whole.

REDEMPTION OF THE PUBLIC DEBT.

Mr. LOWNDES, from the Committee of Ways and Means, to which was referred the annual report of the Secretary of the Treasury, on the state of the finances, made a report upon that part of it which relates to an addition to the Sinking Fund, which was read; when Mr. L. reported a bill to provide for the redemption of the public debt, which was read, and committed to a Committee of the Whole.—The report is as follows:

The Committee of Ways and Means, to whom has been referred the annual report of the Secretary of the Treasury, submit to the House a report upon that part of it which relates to an addition to the Sinking Fund:

A provision for the extinguishment of the public debt was proposed at an early part of the last session, but its consideration was necessarily deferred, while the amount of annual revenue and expense seemed entirely undetermined. When the passage of the revenue laws, and of those which fixed the military and naval expenditure of the country, removed this objection, there was not time for a deliberate examination of the sub-

ject by Congress. Nor was it indeed important that any act in relation to a sinking fund should then be passed, since the revenue of the country could not be more effectually applied to the reduction of its debt than by paying the arrearages of military expense, and withdrawing from circulation the Treasury notes which the necessities of the Government had obliged it to issue. In the year 1816, the decrease of debt, as it appears upon the books of the Register of the Treasury, has been upwards of $10,872,000. But, to ascertain its true diminution, it is obvious that we must give credit to the Government for the payment of debts which did not appear upon the books of the Treasury, (such, for example as the arrears of the Army;) nor must we charge as a debt incurred in 1816 the stock which was issued in that year, in consideration of money advanced during the war. The issue of the stock did not change the amount of the debt, although it changed its character and its evidence. If these suggestions are correct, the true decrease of debt in the year 1816 cannot have been less than twenty-four millions of dollars, without including the means of further deduction which are afforded by the balance in the Treasury on the 1st January, 1817, of upwards of ten millions, exclusive of Treasury notes. It seems plain that no new legislative acts were necessary in the last session to accelerate the redemption of the public debt during the year 1816.

It is indeed a subject of pleasing reflection, that the revenue of two years has given to the Treasury a sum which is equal to four-fifths of the present amount of the entire debt, and which exceeds by fully seventeen millions, that proportion of it which is attributed to the late war. It will not however be forgotten, that this state of the revenue is transitory, as it was in some measure unexpected. So far too as it has resulted from an intemperate spirit of speculation, which has proportioned our supply of foreign articles neither to the demand nor the means of payment, it may have impaired the mercantile capital of the country, which is closely connected with its prosperity. Attribute what we may of this revenue, however, to chance or imprudence, it cannot fail to convince us that the means of the nation are adequate to the early redemption of its debt.

The debts indeed of no one war can be expected to reach an amount, to the discharge of which, within a reasonable time, the resources of the United States would be inadequate. It is by the accumulation of the debts of different wars, which in seasons of peace are allowed to be unreduced, or at least undischarged, that the system of borrowing grows to an enormity which exacts from a nation, as the annual interest of its debt, a proportion of its income greater than would have sufficed, at an early period, to have prevented or removed the encumbrance. The proposals in regard to the redemption of the public debt, which the Committee of Ways and Means suggest to the consideration of the House in the sequel of this report, so far as they depend upon a view of the probable revenue and expenditure of the country, are founded upon the estimates contained in the report of the Secretary of the Treasury. If his estimates of revenue be somewhat lower, and of expense higher than it may be supposed by many that some succeeding years will realize, it was probably prudent to guard his plans from the failure to which, in the unsettled state of our trade, and in some degree of our expenses, more sanguine calculations might have exposed them. The numerous and often incongruous provisions of the present laws in relation to the Sinking Fund require, in the opinion of the committee, a general revision. But their views upon this subject will be explained by the bill which accompanies this report; and they will confine their further remarks principally to some of its provisions, in which they propose to deviate from the plan recommended by the Secretary of the Treasury.

The certain appropriation of ten millions annually, the committee do not propose to increase. While it is entirely within the means of the Treasury to discharge, it will probably be competent (with the aid which it will derive from the other provisions of the bill) to redeem the public debt, reduced, as it has been, by the payments of the last year, within a term nearly as short as has ever been contemplated for its extinguishment.

The large amount of revenue which accrued during the last year, enables Congress, in the opinion of the committee to apply so considerable a sum to the payment or purchase of public stock in 1817, as to increase, very sensibly, the effect of every subsequent year's appropriation, and materially to hasten the entire redemption of the public debt. They propose that, in addition to the permanent and regular annual appropriation, there should be paid, in the year 1817, to the Commissioners of the Sinking Fund, the sum of nine millions of dollars, together with four millions to be considered as an advance on account of the regular appropriation of the succeeding year. It is obvious that no advantage can arise from keeping in the Treasury a sum to be appropriated, at some future period, to the payment of the principal of a debt. Where it is be applied to the payment of interest, or of the expenses of Government, the case is somewhat different; and the committee have, therefore, confined themselves to proposing an advance in 1817 of that part of the appropriation for 1818, which may be considered as applicable to the payment of the principal of the debt.

In addition to the annual appropriation of ten millions, it has been proposed by the Secretary of the Treasury to make, in each year, a further appropriation of one million, whenever it can be done, without reducing the balance in the Treasury, at the end of the year, below two millions. The committee admit that it may be prudent to apply only such part of the surplus in the Treasury as may be paid without reducing the balance below the sum which has been mentioned, but they think that whatever surplus, though it should exceed a million, can be applied without such reduction, should, also, be appropriated. The bill which they report provides that this shall be done, after the year 1817.

The advantage which may be derived from the last provision is too uncertain in amount to admit of calculation or of estimate. Such is not, however the character of the additional appropriation proposed to be made in 1817. This must diminish the interest to be paid for the next year by $760,000; in 1819, by $525,000; and in 1820, by $557,000, and will leave in the Treasury, (adopting the Secretary's estimates of revenue and expenditure,) on the 1st of January, 1818, $3,650,000; on the 1st of January, 1819, $1,400,000; and on the 1st of January, 1820, $1,150,000; after which, it is estimated, that the produce of the revenue, and, of course, the balances at the end of the year, will be increased.

In adding to the amount of the Sinking Fund, it appears to the committee not unworthy of the wisdom of the Legislature to simplify its operations. The documents subjoined to the last Treasury report show, that on the 1st of October last, there were nearly thirty-

four millions of stock, of fourteen different descriptions, and carrying seven different rates of interest, standing on the books of the Treasury to the credit of the Commissioners of the Sinking Fund, on which interest is supposed regularly to accrue and to be paid, with no other effect than that of adding to the labors of those who keep and those who wish to understand the accounts of the Government. The committee propose that all certificates of public debt, when they are redeemed, shall be destroyed. It may be said to be hardly worth making a change in our law to produce no practical effect; and it is true, that in either mode, the diminution of national debt will be the same, but it is respectfully suggested, that, even if the trouble which it will save in making up the accounts be of no moment, it is of some consequence that their state should be such as to admit of being easily and generally understood, and that what is, in itself, plain, should not be obscured by the introduction of a useless fiction.

The committee report "A bill to provide for the redemption of the public debt." and, also, "A bill to repeal so much of any acts, now in force, as authorizes a loan of money or an issue of Treasury notes."

Mr. LOWNDES also reported a bill to repeal so much of any acts in force, as authorizes a loan of money or an issue of Treasury notes, which was read twice, and committed to a Committee of the Whole.

COLONIZATION SOCIETY.

Mr. RANDOLPH presented a petition of the President and Board of Managers of the American Society for colonizing the free people of color of the United States, praying that Congress will aid with the power, the patronage, and the resources of the country, the great and beneficial object of their institution; which was read, and ordered to lie on the table.

The memorial is as follows:

To the Senate and House of Representatives of the United States of America in Congress assembled:

The memorial of the President and Board of Managers of the "American Society for colonizing the free people of color of the United States," respectfully shows:—That your memorialists are delegated by a numerous and highly respectable association of their fellow-citizens, recently organized at the Seat of Government, to solicit Congress to aid with the power, the patronage, and the resources of the country, the great and beneficial object of their institution; an object deemed worthy of the earnest attention, and of the strenuous and persevering exertions, as well of every patriot, in whatever condition of life, as of every enlighted, philanthropic, and practical statesman.

It is now reduced to be a maxim equally approved in philosophy and practice, that the existence of distinct and separate castes, or classes, forming exceptions to the general system of polity adapted to the community, is an inherent vice in the composition of society; pregnant with baneful consequences, both moral and political, and demanding the utmost exertion of human energy and foresight to remedy or remove it. If this maxim be true in the general, it applies with peculiar force to the relative condition of the free people of color in the United States; between whom and the rest of the community, a combination of causes, political, physical, and moral, has created distinctions, unavoidable in their origin, and most unfortunate in their consequences. The actual and prospective condition of that class of people; their anomalous and indefinite relations to the political institutions and social ties of the community; their deprivation of most of those independent, political, and social rights, so indispensable to the progressive melioration of our nature; rendered, by systematic exclusion from all the higher rewards of excellence, dead to all the elevating hopes that might prompt a generous ambition to excel; all these considerations demonstrate, that it equally imports the public good, as the individual and social happiness of the persons more immediately concerned; that it is equally a debt of patriotism and of humanity to provide some adequate and effectual remedy. The evil has become so apparent, and the necessity for a remedy so palpable, that some of the most considerable of the slaveholding States have been induced to impose restraints upon the practice of emancipation, by annexing conditions, which have no effect but to transfer the evil from one State to another, or by inducing other States to adopt countervailing regulations, and in the total abrogation of a right which benevolent or conscientious proprietors had long enjoyed under all the sanctions of positive law and of ancient usage. Your memorialists beg leave, with all deference, to suggest that the fairest and most inviting opportunities are now presented to the General Government for repairing a great evil in our social and political institutions, and, at the same time, for elevating, from a low and hopeless condition, a numerous and rapidly increasing race of men, who want nothing but a proper theatre, to enter upon the pursuit of happiness and independence, in the ordinary paths which a benign Providence has left open to the human race. Those great ends, it is conceived, may be accomplished by making adequate provision for planting, in some salubrious and fertile region, a colony, to be composed of such of the above description of persons as may choose to emigrate; and for extending to it the authority and protection of the United States, until it shall have attained sufficient strength and consistency to be left in a state of independence.

Independently of the motives derived from political foresight and civil prudence, on the one hand, and from moral justice and philanthropy on the other, there are additional considerations and more expanded views to engage the sympathies and excite the ardor of a liberal and enlightened people. It may be reserved for our Government (the first to denounce an inhuman and abominable traffic in the guilt and disgrace of which most of the civilized nations of the world were partakers) to become the honorable instrument, under Divine Providence, of conferring a still higher blessing upon the large and interesting portion of mankind, benefitted by that deed of justice; by demonstrating that a race of men, composing numerous tribes, spread over a continent of vast and unexplored extent, fertility, and riches; known to the enlightened nations of antiquity; and who had yet made no progress in the refinements of civilization; for whom history has preserved no monuments of arts or arms; that even this hitherto, ill-fated race, may cherish the hope of beholding at last the orient star revealing the best and highest aims and attributes of man. Out of such materials, to rear the glorious edifice of well ordered and polished society, upon the deep and sure foundations of equal laws and diffusive education, would give a sufficient title to be enrolled among the illustrious benefactors of mankind, while it afforded a precious and consolatory evidence of the all-prevailing power of liberty,

enlightened by knowledge and corrected by religion. If the experiment, in its remote consequences, should ultimately tend to the diffusion of similar blessings through those vast regions and unnumbered tribes, yet obscured in primeval darkness; reclaim the rude wanderer from a life of wretchedness to civilization and humanity; and convert the blind idolator from gross and abject superstitions to the holy charities, the sublime morality, and humanizing discipline of the Gospel; the nation, or the individual, that shall have taken the most conspicuous lead in achieving the benignant enterprise, will have raised a monument of that true and imperishable glory, founded in the moral approbation and gratitude of the human race—unapproachable to all but the elected instruments of divine beneficence—a glory, with which the most splendid achievements of human force or power must sink in the competition, and appear insignificant and vulgar in the comparison. And, above all, should it be considered that the nation or the individual, whose energies have been faithfully given to this august work, will have secured, by this exalted beneficence, the favor of that Being, "whose compassion is over all his works," and whose unspeakable rewards will never fail to bless the humblest effort to do good to his creatures.

Your memorialists do not presume to determine that the views of Congress will be necessarily directed to the country to which they have just alluded. They hope to be excused for intimating some of the reasons which would bring that portion of the world before us, when engaged in discovering a place the most proper to be selected, leaving it, with perfect confidence, to the better information and better judgment of your honorable body to make the choice.

Your memorialists, without presuming to mark out, in detail, the measures which it may be proper to adopt in the furtherance of the object in view; but implicitly relying upon the wisdom of Congress to devise the most effectual measures, will only pray that the subject may be recommended to their serious consideration; and that, as an humble auxiliary in this great work, the association, represented by your memorialists, may be permitted to aspire to the hope of contributing its labors and resources.

B. WASHINGTON, *President.*

COMPENSATION LAW.

The House proceeded to the order of the day on the bill to repeal the Compensation Law, so called, and substitute therefor a per diem allowance; and the bill having been read in Committee of the Whole—

Mr. JOHNSON, of Kentucky, said that, in moving, as he now did, to fill the blank (for the amount of future daily compensation) with eight dollars, he obeyed the instructions of the committee who reported this bill, of which he was a member. There had been in the committee a diversity of opinion on this subject, one or two gentlemen preferring nine or ten, and a bare majority consenting to eight. Although he did not differ from the committee in the reasonings of their report, he could not feel it his duty to come to the same result as to the future compensation, as a majority of the committee had done. He should, he said, vote against the repeal of the present compensation taking a retrospective operation; he wished the repeal to take place on the fourth day of March next, and leave it to the next Congress, four-fifths of whom were elected to regulate this matter, the right of fixing it. He was desirous, he said, to give them a responsibility which he presumed they would be proud to assume, and should vote against adding at this time a single cent to the old compensation of six dollars per day. Mr. J. expressed his hope, as he had endeavored, in previously discussing the subject, to avoid on a question of this delicacy saying anything in any manner to wound the feelings of the members, that perfect harmony would characterize the whole debate. He believed, he said, that no member of this House, regarding the members as pensioners merely, with a view to pecuniary considerations only, could say that $1,500 was too great a compensation, nor even that it was enough. But, Mr. J. said, his judgment and conscience dictated to him in obedience to the public will, to vote to repeal the law, and leave the compensation as it was previous to the passage of the reprobated compensation law.

Mr. FINDLEY, of Pennsylvania, next rose to speak on the subject. His rising occasioned a deviation from the usual order of the House, by the members crowding round him, which may be attributed to the general respect for his years, experience, and intelligence.

After making some general observations on the nature of this subject, Mr. F. gave a concise history of what had been formerly done, respecting the compensation of members of Congress. He stated that, under the Confederation, each State paid its own members, and instructed and recalled them at pleasure; that, when Congress money gave way to specie, some States paid eight dollars a day, some more, and some less. Pennsylvania paid six dollars, but had great difficulty to procure members willing to serve. Some small States gave but four, and were rarely ever represented. It must be well known to those who remember that period, and paid attention to it, that nine States out of the thirteen, were a quorum necessary to make requisitions on the States and other important business, and that this number could with difficulty be got together one month in a year.

When the National Government was organized, the committee of the Representatives to whom the compensation of the members was referred, took an average of what the States themselves had paid their members, and it was either six dollars, and one-third or two-thirds, which, is now forgot. They reported, however, six dollars a day for the Representatives, but limited it to a time after the census would be taken, and a more equal representation would take place; when that time came, about twenty years ago, the subject was again referred to a committee. A salary was proposed and advocated, but believing it was contrary to public opinion, or at least the common practice in paying the State Legislatures, this was dropped, and a compensation of eight dollars a day reported; after a dis-

cussion this was rejected by one, or at most two votes.

There had about this time been a considerable rise of expense, and several State Legislatures had increased their compensation, yet Congress, believing that this arose from temporary causes, increased the compensation of clerks and some subordinate officers, and of the Heads of Departments, for a limited time, which, however, has been renewed. When the eight dollars was rejected, some members openly declared their intention to decline, and actually did so.

Mr. F. said, that to members, whose farms supported their families, and who did not bring their families with them, the six dollars a day would still pay their expenses; but to such as have to support their families by their industry in any occupation it would not do. Several members, to his own knowledge, had tried it a few sessions, sending the half of their wages monthly to support their families, but had to decline. It was well known that members preferred almost any offices in the gift of the United States, as well as of their own State, to a seat in Congress; and it is evident that, for want of the attendance of members, the most important measures were frequently transacted in a thin house, which certainly ought not to be the case.

He observed that, agreeably to the principles of our Government, all classes, and all interests, ought to be represented in Congress. He knew that the wages might be made so low, that but one class, viz: the wealthy, who could afford the expense, and did not depend on their own personal industry, would serve. But this would change the nature of the Government. But even if the compensation was raised, or the salary established, there would always be many who would not serve, many to whom no wages we ought to give would compensate their loss, and there are many whom no compensation we could give would induce to leave their endearing families, comforts, and cares, to serve at such a distance from home as many of the members have to do. Some who have done so, always reflect on it with deep regret.

Mr. F. said, as this was the last session he ever would serve, his voting for an increase of the daily wages, as he designed to do, could contribute very little to his advantage, when it was known that, though he was not here last session, to vote either for or against the compensation law, being prevented by sickness, he was yet entitled to receive the compensation, but would not claim nor would he receive it; therefore expected that voting for an increase of wages would not be imputed to him as the result of self-interest. He would not vote for the repeal of the salary, because he thought it contrary to the Constitution or any principle of the Government, but because he thought it inexpedient. On the whole, Mr. F. said, that he wished to leave those who succeeded him on a footing equal to what he was himself when he came into Congress. He wished a reasonable compensation to be fixed, to continue until after the next census; not but what he knew every Congress had equal power as the first Congress had, to fix their own compensation. All the State Legislatures have done so, some of them oftener than once. He would vote to fill the blank with eight dollars, not because he thought it equal to six when he went first into Congress, but because he thought, when the currency was regulated to a specie standard, which he hoped would be the case before the next Congress, it would be equal. This was no new thought of his. He, agreeably to his own opinion of the public good, had determined to vote for a moderate increase of wages before he left Congress; for obvious reasons such a question had been delayed until long after the State Legislatures had set the example.

Mr. RANDOLPH, of Virginia, then took the floor. The auction of popularity, he said, differed in one material respect from all others: the first bidder standing in the same relation to the transaction as the last bidder does at other auctions. Hence it could be no cause of surprise, that at all times, where any measure within the scope of public contemplation should be peculiarly odious, a great anxiety should be manifested as to who should be foremost in the repeal; or otherwise, if the measure was entirely desirable, the same struggle should take place in the race who should be first to reach the goal. He for one, had been extremely glad that the House of Representatives had, on this occasion, so far at least, not been wanting in a sense of decent self-respect. He hoped the Committee would not understand him to intend to enter into the merits of the bill, or to commit himself to the support of it on its final passage; but he had no hesitation in saying, if it was to pass, that it ought not to pass in the shape in which it had been offered by the committee. What urgency was there in this case? Would any honorable member show him that there was a great urgency that the act of the last session should be repealed as to the remaining part of this session, and that the law should be further modified by an increase of the compensation thirty-three and a third per cent? This body ought not to act on any frivolous impulse; it ought not to act on any temporary excitement. He hoped not to be misunderstood. The people of the United States are the sovereigns of the United States; the Government is theirs, because the soil is theirs—the country is theirs; they have a right to be heard. But what, said he, have we heard from the public on this occasion, except a solitary petition this morning from some part of Pennsylvania for a repeal of the law? Now, with all due respect for public opinion, where is the necessity for the passage of the bill on the table? If this House, said he, is to act on this subject; if it is to undo or patch up the act of the last session; if this House is to offer something like a tub to the great Leviathan of popularity, what ought they to do? To undo all they have done, or to do nothing. In what predicament shall we present ourselves to our constituents?—going on the principle that these constituents are hostile to the law. Thank God

mine have said nothing to me about it; no, sir, I do not think mine will say anything to me on that score. What shall we say to the people, who have been clamoring about it, when they are told that we have repealed the act, and taken the difference of thirty-three and a third per cent. more than we should if we had never passed it? I would not wish to stand in a more pitiable, I would add pitiful, condition before the people, than with this bill in my hand as amendatory of the act of the last session.

Without now giving an opinion of the merits of the bill, reserving himself until the bill should be more fully before the House, he rose to offer an amendment which he believed would supersede the amendment proposed by the gentleman from Kentucky. Take notice, said he, I do not pledge myself to vote for the bill, even if my amendment be adopted. I do not wish to entrap the House, but to show what, in my opinion, ought to be done, if we move in the question at all. Mr. R. then proposed to strike out the whole bill, and insert in lieu thereof, a provision to repeal entirely the law of last session, and require a deduction from the amount of pay received by the members of so much as, during the past and present sessions, they shall have received over and above the rate of six dollars per day. The act of the last session was retrospective and retroactive in its operation; and if the House touched the law at this session, in his opinion they ought to take up the matter where they did at the last session, and any law now passed should be retroactive in the same manner as the act passed at the last session. It perhaps might be remembered by the Chair, or perhaps the Chairman might not have thought it worth while to remember, that at the last session, he (Mr. R.) had made a motion, limiting the operation of the law to a future Congress; and that that motion, on the argument of other gentlemen, he had seen fit to withdraw—and he had so thought for this reason, that each Congress ought to take upon itself the responsibility of assessing its own pay; that to do so was a duty devolving on it, from which it had no right to shrink. If they had now assessed it too high in their own opinions, they ought to refund the surplus.

The CHAIRMAN having declared that Mr. RANDOLPH'S motion did not supersede that of Mr. JOHNSON—

Mr. RANDOLPH said, he was not in the situation of the man who had been so long remembered that he was forgot; but he had been so long a member of the House as to have lost all knowledge of its rules and orders of proceeding. The rule with which he had been acquainted for near fourteen years, in this House, was, that the motion to strike out the section of a bill superseded a motion to amend it. He wished to know, if not now in order, when it would be in order to propound his motion to the House.

The SPEAKER explained the change of practice in late years in the House, whereby it was established, that a bill should be open for any amendments, to be made as perfect as it could, before a motion was entertained to strike out the first section.

Mr. SOUTHARD, of New Jersey, said this subject was one so practical, so familiar to every one by the discussions it had undergone, that it was not worth while to detain the House with any remarks in support of the proposition which he now submitted, to fix the compensation for the future at the old standard of six dollars per day.

Mr. GROSVENOR, of New York, said he was in favor of retaining the salary feature, because he thought it most consistent with the public interest. But if that law must be repealed, one great objection to that course would be removed by the adoption of the amendment suggested by the gentleman from Virginia. If touched at all, said he, it should be in such a manner as not to brand our names and that of the Congress to which we belong, to the latest ages, with dishonor and disgrace. I would not put into my pocket that compensation which I believe to be right, and refuse it to our successors, or put into my pocket what I believe unjust, and keep it there. For the purpose, therefore, of removing this great and prominent difficulty in his mind, he should move to fill the blank with "ten" dollars—not that he should, if his motion succeeded, vote for this bill, because in the abstract he preferred a salary. He would make the mileage different, however, and at a less rate than that. Mr. G. disclaimed any intention, at this time, to enter into the general question, reserving himself for a future opportunity.

Mr. T. WILSON, of Pennsylvania, intimated his wish so to amend the bill as that the law should remain as it is until the 4th of March next, and that it should then be divested of its objectionable salary feature.

Mr. REYNOLDS, of Tennessee, intimated his wish, if the gentleman from Virginia was serious in his refunding system, that he would be good enough to make the day of refunding some convenient time after the close of the session, to give gentlemen an opportunity to obtain the means of complying with that provision. [This suggestion produced no little mirth in the House.] Mr. R. said he was not for coming down at once to six dollars per day, but was for fixing on that daily sum, which would amount as nearly as might be to fifteen hundred dollars for the whole time of sitting during a year. He would inform the gentleman from Virginia, he said, that, if in his remarks on that head, he had alluded to the committee who reported this bill, they had nothing to do with the rapid race of popularity which the honorable gentleman had so handsomely described. He would only add, that he believed the honorable gentleman himself had now announced a motion, which had more substantial popularity in it than all the other motions on the subject put together.

Mr. DESHA, of Kentucky, said, there were four propositions before the Committee for filling the blank in the bill—ten, nine, eight, and six dollars. He had seconded the motion to fill the blank with six dollars, and he should vote against every prop-

osition till it came down to six dollars, which he should support, because he thought we ought to retrace our steps, and place the pay of the members on its former footing, at six dollars per day. A gentleman had said that he would not be moved by the public voice on this occasion. Mr. D. said he thought he possessed as much independence as most men, but he confessed that he was not so independent as to disregard public opinion. Ours is a Government of the people: the people are virtually the governors, and we, as their agents, are bound to act up to their will, when that can be ascertained; and can any gentleman doubt that the will of the people is against the compensation law? It has not only been disapprobated, but reprobated, from one end of the continent to the other, in a few places excepted, where extravagance is the order of the day, and among a few individuals in other places, who consider themselves exclusively entitled to all offices of prominence, and who look forward with expectation of filling the situation, when a fat salary would be quite welcome. It is my opinion, that the people had not only a right to complain, but had ample cause of complaint. We had but recently got out of a necessary, but an expensive war. I won't say the people were oppressed, but I will say that they were pretty heavily burdened with taxes, and I have no hesitation in saying that they would have borne double, yes, treble, as much, if they could have been convinced that it was necessary in defence of their rights; but when they discovered (as they believed) that the adoption of the compensation law was aggrandizing ourselves, and laying additional burdens on them, was it any wonder they complained? Although I have no doubt but what the agitation in the public mind, was, in some instances, carried to extremes, yet the opposition to what they conceived an encroachment, was a favorable symptom; for while ever this feeling in the public mind is alive, liberty is safe. The people will correct any errors that may be gone into by their agents.

Mr. D. said, this was an unpleasant subject to touch upon, and what made it rather embarrassing to him, was the knowledge that he was speaking against the feelings and inclinations of a majority of the House, and, at the same time, recollecting the pointed and severe sarcasms and ridicule attempted to be attached to all those who were opposed to the compensation bill, last session, and particularly to those who got an opportunity of speaking against the measure. But where duty impelled, he trusted he should never be found wanting; that he should not interfere with motives, and should be cautious not to make use of expressions calculated to wound feelings, and he hoped he should be treated with a correspondent liberality, as he should be very careful of his own feelings. Mr. D. said he rejoiced when his honorable colleague brought forward the resolution on which this bill is bottomed, because he thought it came better from him than it could have come from any other member, as he brought forward the measure which this bill contemplates modifying or repealing; but the gentleman's speech accompanying the resolution was of a character well calculated to defeat the purport of the resolution. It was calculated to rivet on the minds of the original advocates of the measure, that the law giving the salary to members of Congress was just and correct, and ought not to be repealed. The gentleman told you that what influenced him in the introduction of the resolution, was, that he discovered that the compensation law was disapproved of by the people; and as he was always willing to act consistently with the will of the people, and subscribed to the principle of instruction, he therefore felt it his duty to introduce the resolution, and should vote for the repeal of the compensation law. This, to be sure, could not be collected from the tenor of the gentleman's speech, but the gentleman told us so, and his word is always good. To harbor a thought that any other motives than the purest kind actuate my colleague in his public conduct, would be doing him injustice; and he certainly is entitled to considerable credit for willingly attending to the wishes of the people, and subscribing to the principle of instruction, which I view as the very essence of representative government. To deny that the people have a right to instruct their agents, is striking at the very nature of our Government. I have been often gratified with the open, gentlemanly, and candid manner my colleague treats questions in debate; but I confess that on that occasion I should have been perfectly satisfied with the bare resolution, unaccompanied by the speech, as I viewed the remarks (although they were delivered with considerable eloquence) as in direct hostility to the object expressed in the resolution.

The gentleman contrasted the present pay of the members of Congress, with the pay of a number of the officers of Government, commencing with the President of the United States, and coming down to the Sergeant-at-Arms, and Doorkeeper. I will appeal to my honorable colleague's candor, to say whether this kind of argument was altogether so fair, or, if fair, was it applicable on the present occasion, unless money is made the first consideration, as in the combined report of the committee who produced this bill?—in which report, notwithstanding it is ably drawn, there is scarcely a patriotic sentence from the commencement to the end. Money, money, is the burden of the song, I venture to say, when the people of this country generally adopt such principles, by making money the first consideration, to the exclusion of patriotic feelings, that your liberty will be on the decline, and will soon be gone. But to return to the Sergeant-at-Arms and Doorkeeper. These men are not only useful, but excellent officers, and I confess I wish to see them in their present places, while ever I am honored with a seat in this House. But can any gentleman suppose they would accept the situations they now fill for the honor attached to them? Certainly not. Emolument must be the only consideration that can induce them to wish

the places—and ought that to be the case with a gentleman who represents thirty-five thousand free people? Most unquestionably not. I view the situation of a man who is honored with a seat on this floor, as one of the most important, if not the most honorable, situations under the Government. It is true, there are higher situations, but they are not immediately in the gift of the people; they are placed one or two removes from the people, but we are the immediate representatives of thirty-five thousand free people. What can be more honorable? And is it fair to contrast such situations with places that have only pecuniary reward, as an inducement to acceptance? It appears to me that it is not. I say that the honor of serving freemen on this floor, ought to be the first consideration, and not pecuniary reward.

Mr. D. said, whenever the salaries of legislators were raised so high as to give a spring to extravagance, by making money the first consideration, you give at once a vital stab to patriotism. Patriotism will sink under sordid avarice, the precursor of the downfall of Republics. The first consideration of wise Legislatures, in free Governments, is, if they wish to perpetuate liberty, and their happy institutions, to frame their laws and public regulations so as to guard particularly against extravagance and luxury. Was not extravagance and luxury the groundwork of the overthrow of nearly if not quite all the ancient Republics? And is it not a fair way of reasoning, to judge of the future from the past? At least it will be acknowledged, that what has happened may happen again. Then, I say, it is prudent to guard against what may at first appear trivial, but what may, and certainly what will, operate as an entering wedge, and ultimately, from the nature of things, be the means of the overthrow of the only Republic in the world. Then is it not wise policy to frame your regulations so as to guard against this cankering worm, this fatal enemy to free Governments, extravagance and luxury? Whenever it commences at the fountain head, the whole stream must become polluted; when it commences with your heads of Governments, with the highest legislators, and officers of Government, it will ramify, and spread its destructive venom throughout all orders of society, until the prostration of our free institutions will be the inevitable consequence.

But more particularly to the point—is fifteen hundred dollars too much for a member of Congress to receive for his service, taking into consideration the expenses he must necessarily incur here? But this question will depend on circumstances—it will depend on what equipage he has, and the number of family he brings with him. If a member brings his family with him, keeps waiters, has a carriage and horses, he may expend large sums of money; but are these necessary appendages to legislation? I conceive not. I consider the man who is always at his post, and is attentive to his duty, of more consequence to the public, than the man who sports away his time, and expends his money on vain show and empty parade. Mr. D. said, he held it correct, that every officer of Government ought to have an ample compensation for services. He ought not to be compelled, from the scantiness of his pay, to live parsimoniously; but still he ought to pay some respect to economy. My opinion is, that six dollars per day will enable a member to live genteelly, and lay up some money; and I admit he ought to lay up some money, but not so much as to make it the first inducement to acceptance of office. Let us examine this subject a little, and see how it stands. The sessions of Congress, we may fairly conclude, will average about five months in every year, one hundred and fifty days; and what will be the probable expense of a member living here? We will say the average boarding is twelve or thirteen dollars per week, keeping his horse, four and a half or five dollars per week, which will make about seventeen dollars per week for boarding and horse keeping, and which will amount, in an ordinary session of five months, to about three hundred and seventy or eighty dollars; add to this, two hundred dollars for clothing, drink, and contingent expenses, which will amount to about five hundred and seventy or eighty dollars. The pay of a member, at six dollars per day, for a session of five months, would be nine hundred dollars. A member gets six dollars for every twenty miles in travelling to, and returning from, this place. Say the average distance of the members' places of residence from the Seat of Government, is about four hundred miles, which would amount to two hundred and forty dollars; one-half of this he would expend in travelling, and live genteelly, and the other half add to his per diem allowance, and it would make one thousand and twenty dollars, from which deduct the five hundred and seventy or eighty dollars, and the residue will be found to be about four hundred and forty or fifty dollars. This four hundred and forty or fifty dollars is certainly not an object sufficient to induce a man to come here, if his view is to make money; but if a man calculates on being remunerated for privations consequent on absence from family, he will be mistaken. Money could not compensate him for such privations—they are necessarily interwoven in the nature of our Government, and must be submitted to, or a fatal stroke is made at the strength of our Government, which will operate as a damper to all patriotism, and sow the seeds of avarice, the bane of civil liberty, or produce extravagance and luxury, the introduction of which is destructive to those Governments whose base or strength is virtue and economy.

Mr. D. said, he should vote for filling up the blank with no sum but six dollars; he was opposed to the compensation bill when it was adopted; he still thought it wrong, and was in favor of placing the pay of members on their former footing, and also for the repealing law taking effect from the commencement of this session, or, if gentlemen please, from the termination of last. One word as to an expression made use of by a gentleman, which was, that a few

months ago, after a long discussion and mature deliberation, we passed this law.

Mr. Chairman, what is the fact? The bill was introduced on the 6th of March, read the first and second time agreeably to rule, and committed to a Committee of the Whole, and made the order of the day for the seventh. On the seventh, the House went into Committee of the Whole on the bill in the after part of the day. The bill was under discussion in the Committee about three or four hours, when the Committee rose, reported the bill, and ordered it to be engrossed for a third reading on the eighth, and on the eighth the bill passed the House of Representatives; only one day intervened between the day of its introduction, and the day it passed and left the House.

In the few remarks I have submitted, I have cautiously avoided personalities, or any expressions calculated to wound the feelings of gentlemen, and trust that a correspondent liberality will be measured out to me.

Mr. ROBERTSON, of Louisiana, proposed to strike out the first section of the bill, at once, to effect its rejection—to ascertain, without circumlocution, whether the House seriously meant to undo at this session what they had done at the last.

Being informed by the Chairman that such a motion was not now in order, Mr. R. expressed his regret that it was not, as he was desirous to show, that he at least would adhere to opinions deliberately formed. He agreed to the position that the public voice, correctly understood, ought to be obeyed. What public voice, then, said he, am I to obey? That of my own constituents. The only remark, Mr. R. said, that he thought proper to make on this question at the last session, was, that the vote which he should give would be known to his constituents before his election. That vote had been before them, and no objection had been made to it. The voice of his constituents, therefore, Mr. R. said, did not require him to vote for the repeal of a law to which they had no objection.

He confessed, he said, that his principal object, at the last session, was to place the members in the same relative situation, as to compensation, as other officers of the Government; that this House should not be considered as the mere avenue to Executive appointments—in a word, that the nation should be represented in this House by the talents and character which ought to belong to it. This branch of the Government, the Legislature, was placed first in the Constitution and in the spirit of the Government, but had become last in the administration of it. First principles, he said, ought to be adhered to, and that place which Congress holds under the Constitution it ought to hold in the administration of the Government. Looking back to the history of the Government, how few of those who had the honor of a seat on this floor, distinguished by talent, had remained here? They had either gone home to support their families, or had gone over to the Executive. Whatever might be said here in contempt of money, offices are more sought after, and if not more honorable are more honored, as they are more or less lucrative. Devoted as I am to the democratic branch of the Government, said Mr. R., I wish to place it in such a situation as to hold as well as receive its due proportion of talent. Hitherto very few, perhaps none, had considered the service of the people in this House as one to which they could devote themselves. Mr. R. asked, whether it was proper that in this Government a servant of the people should be better served than the people themselves, or be cherished more than their immediate Representatives, more than the branch more essential than any other to the preservation of our liberties.

Mr. R. said he was disposed to leave the act of the last session untouched. He did not, he said, wish to go before the people of the United States higgling and disputing between six, seven, eight, or nine dollars a day. He hoped the act of the last session would receive the sanction of a second vote in this House.

As regards the instructions of the people, Mr. R. said he would go as far as any gentleman in his obedience to them. If he were fairly instructed by his constituents to give a vote on any question of expediency, he would give the vote required, or retire from their service. With regard to any question involving the Constitution, he did not acknowledge his obligation to obey instructions, but, if he had an opportunity, he would even in that case retire, and give them an opportunity to choose one who would. Was this public opinion to be found in the clamors at cross-roads and popular meetings? There was a mode, he said, in which public opinion could be expressed to this House, and the people knew the mode. Mr. R. said he did not feel himself bound to regard as public opinion the statements of the newspapers, nor as expressions of public opinion the resolutions of court-house meetings. What, he asked, was the duty of a Representative on this floor? To think and express his own sentiments, openly, fairly, and explicitly. If a man believes his opinions correct, he ought to adhere to them; if they are good, they are valuable to the nation; if bad, they will be harmless; for, being known, he will be deprived of his political existence. Above all, said Mr. R., we owe it to the people, we owe it to ourselves, to let them know what we are; we owe it to them not to shift or vary our course, to catch the popular opinion, and thus to serve our own views at the expense of our conviction of what is true, and what the public interests require.

Mr. R. said he would not enter into the discussion about the competency of six, seven, eight, or ten dollars to the maintenance of a member. The amount, he said, was a sort of bed of Procrustes, to which we might accommodate ourselves without pain, by curtailment or expansion, so as to suit its dimensions. We might live on the former allowance—we should not become rich by the present. This was a point, he said, of little importance to him in a pecuniary point

of view, and he presumed any gentleman in the House might make with truth the same declaration; his only motive for voting for the act was to place the members of this House on something like an equality with other departments of the Government. He should, he said, vote against any proposed modification of the law of the last session, going to reduce the amount of compensation; for it was in vain for gentlemen to talk about honor as an inducement to serve here, when it has not been sufficient to induce members to remain in this House, when Executive appointments were offered to them. If the act were repealed, he cared not what modification took place; if he thought it his duty to vote for the repeal, and his circumstances would permit it, he should certainly feel himself bound to refund what he had received, under the act, beyond the rate of six dollars per day; but voting against any repeal or modification of the law, he should not feel himself bound to vote for that proposition.

Mr. Clay (Speaker) next addressed the Chair. For one, he confessed he had been greatly gratified at the self-respect which the House had manifested in the course this subject had received. He did think, he said, that at the commencement of the session, he would not say an improper but an unnecessary degree of zeal had been displayed in taking up this subject; and he had been highly gratified in finding that the House had determined that the subject should take that dispassionate course which belonged to its character.

He did not agree, he said, with gentlemen, several of whom had expressed an opinion on this occasion and on a former, that the dissatisfaction expressed through the country in regard to this law, was to be attributed wholly to faction, to demagogues, or designing men. Some of it perhaps might; but when we find, in all parts of the country, even in those having no intercourse with each other, a general dissatisfaction, we are bound to conceive that the people are really opposed to the measure.

Mr. C. said he agreed perfectly in the sentiment, that instructions given by the people are obligatory on the Representatives. This was a principle consecrated by the Revolution, inseparable from all free Government, and which he therefore hoped never to see departed from in practice under ours. It was indeed like all other general principles, regulated by certain limitations. An instruction to violate the Constitution, for instance, is not binding. Why? Because the expression of the will of the people in the Constitution is paramount to the expression of their will in the form of instructions, and because the Representative is sworn to obey that paramount will. But on questions of expediency, the will of the people ought to be binding; and if there was a question more than any other in regard to which the popular will should be obeyed, it is that in which the Representatives are called upon to fix their own compensation; in which they are a party on one side, and the people on the other. Every consideration of propriety and delicacy, as well as of principle, required that where the opinion of the constituent in regard to compensation is decidedly expressed, it is to be received as conclusive and implicitly obeyed. Whilst, then, he had a seat on this floor, Mr. C. said, it was immaterial how he arrived at the will of his constituents, or what were the evidences of it, it was sufficient that he should know it; in all cases of expediency he held the doctrine of an obligation on his part to observe the instructions, express or implied, of his constituents. Cases might possibly arise in which he should not feel himself bound by instructions to deviate from the course which he conceived to be correct—where, for example, important facts existed, materially varying the case, of which his constituents had been ignorant. In such a case he might throw himself on the liberality and justice of the people to determine, under the whole circumstances, whether he had acted correctly or not. What is the will of the people of his particular district of his constituents, ought, on this subject, to be the question for every member. The people, Mr. C. said, whom he had the honor to represent, were—he hoped he should not be accused of arrogance in saying so—a people high-minded, independent, jealous of their honor and their liberty, but at the same time liberal and just; and so also he doubted not were all the people of the United States. In regard to that district, he believed that the people would be satisfied with any liberal compensation to the members of Congress, that should not be extravagant in its amount. He believed they would be satisfied, if the compensation should be fixed at ten, eleven, or twelve dollars per day. At the last session, Mr. C. said, he had stated his preference for a daily compensation over a fixed salary or gross amount per session, but that the reasons urged in favor of the latter mode were so plausible, if not convincing, as to be sufficient to warrant the experiment of that plan which, if found unsatisfactory or inexpedient, it would be always in the power of Congress to repeal. In advocating the return from a salary to a daily, but increased compensation, at the same time that he conformed to the will of his constituents, he did not vary the grounds on which he had acted at the last session.

The idea of the salary mode of compensation being so alarming in its consequences as had been described, was, Mr. C. said, a very novel one. All who recollected the debates in the conventions on the Constitution—in that of Virginia, for instance—would remember that all parties had treated the clause respecting the compensation of members of Congress, as contemplating a salary, using that identical phrase. Patrick Henry, speaking of a salary, hoped that the members would not fix their salary at an unreasonable rate. Mr. Grayson and the late Governor Tyler took the other side, and said their fears were that Congress would fix it at so low a rate that only the wealthy would be able to defray the expense of attending Congress, the effect of which would be to lead this Government to a species of oligar-

chy. Notwithstanding, however, that the idea of the power of Congress, as they deemed expedient, to fix their compensation in one or the other form having been coeval with the instrument under which they act, Mr. C. said he preferred a daily compensation, because it was more simple, more conformable to the usages of the States, besides being more equal and more just in its operation in regard to the members at different times. For although, if we take a series of years, the result, as it respects the public, will be the same under the one mode and under the other, as it regards the members serving in that series, the result will be unequal, the member serving in a Congress whose sessions are of long duration, receiving no more than him who serves in a Congress whose sessions are of short duration. There was in fact no way to make the compensation perfectly equal, but to make it daily.

It became this House, on the present occasion, Mr. C. said, to deliberate, to act calmly and considerately. He would not, he said, examine the causes of dissatisfaction from Maine to Georgia, from the shores of the Atlantic to the remotest west; whether it had arisen from misconstruction of the act, from want of information as to the considerations which made it expedient, &c. In relation to his own district, he had great pleasure in stating what had been the fact. When I went home, said he, I do not recollect having met with one solitary individual of any description of party who was not opposed to the act, who did not on some ground or other think it an improper and unjust law. But after it had been discussed and examined with all its lights, I did not find (as far as I recollect) a solitary individual who did not admit that the augmentation of the compensation of the members was a just and proper measure. The result of all that I heard was a conviction on my mind that the people remain dissatisfied with the form, but that ninety-nine out of an hundred are satisfied that there ought to be an augmentation of the compensation of the members, proportionate to the depreciation of money, or, what is the same thing, to the increase in the price of commodities since 1789. For his part, then, Mr. C. said, he had a disposition to do justice to the members as well as to the people. If the compensation were reduced so low as that none but opulent men could aspire to seats in this House, the evil predicted by the fathers of the Constitution would be realized; and all the middling class of society, that in which the weight of talents is to be found in this country, would be banished from the legislative councils.

Mr. C. said, that under such impressions, he should vote for a higher compensation than six dollars per day. He felt indifferent whether it should be now fixed at eight, nine, or ten dollars; confident whichever sum should be agreed to, that not only the people of the district which he represented would approve, but that the whole American people would sanction the measure by their approbation. He differed from an honorable gentleman from New York with regard to an increase of the mileage. He thought that also ought to be increased, for, he asked, who makes the greatest sacrifice in coming here? The members from the greatest distance certainly. If, then, the mileage be increased in the same ratio with the daily pay, the greatest benefit will be bestowed where there is the greatest burden.

Mr. C. concluded by saying, he did not think this a very important question, and he should not therefore longer detain the attention of the Committee. He had thought himself bound to assign the reasons for the vote he should give, and should vote with cheerfulness for the sum proposed by the Committee, or for a higher.

Mr. RANDOLPH, understanding the whole merits of the bill to be before the House on the present question, which he had not before understood to be the case, proceeded to deliver his views of it.

This question, he said, had assumed a character, had put on an appearance and quality, which did not belong to it. As such, he for one was willing to strip it of its borrowed plumes. That, if a sentiment exist in the public mind, it is immaterial in what manner manifested, it is entitled to weight, he agreed; but he was not prepared either to affirm or deny that the sentiment which the gentleman had said pervaded the whole continent, was the ruling sentiment. In what manner had it been excited? The honorable member had said that in all parts of the country, however disconnected with one another, there existed but one opinion in relation to the law. This country, said Mr. R., is or was but lately divided into two great parties, which possessed complete and efficient control over the press. No sooner did the law of the last session pass, than both parties started in the race of popularity to run down that law. To this fact must be attributed the general sentiment of indignation which had been referred to. He held in his hand, he said, an authority on the state and condition of England—and here we had proceeded *pari passu*—that by means of the press the sentiment which exists in the heart of the body politic is propagated and diffused to its remotest extremities. In this way the present public indignation, if it did exist, had been excited. Gentlemen, Mr. R. said, had spoken of their districts; he would speak of his. It had been for some time past a sort of ward in chancery, and every constituted authority, from the President of the United States to the printer's devil, had had it in his especial care; and yet, he was bold to say, that in that district such a sentiment as the Speaker represented to prevail throughout the United States, did not exist. To the cause he had mentioned, was to be attributed (disgraceful fact!) the public excitement which was represented to exist. The people of the United States, Mr. R. said, were, as they had been represented to be, a virtuous, high-minded people. They had borne, and would ever continue to bear, burdens and privations of the most enormous and distressing kind, so as they were convinced, rightly

or not, that the public weal required them. They had borne the embargo; they had borne the miserable non-importation system; they had borne a long, bloody, destructive, and in some respects disastrous war; they had borne with mismanagement in the camp and in the Senate, and they would ever bear with it, so long as they believe that the intentions of those clothed with power have been honest and good.

But we are told, said Mr. R., that this is a matter of money; that the whole report of the select committee on the subject, is about money. And about what did the committee report? The subject-matter of their report was money, and what other subject should they have spoken of? Would the gentleman have had them talk of fortifications, of military and naval defence, of roads and canals, or of the National University? I have, said Mr. R., a much more serious fault than that to find with this report—that the last member of the syllogism is in direct contradiction to the major and minor. It is true, Mr. R. said, (referring probably to the absence of Mr. Webster, the reputed author of that report,) that those men who come from the greatest distance to Congress suffer most. What, he asked, was the situation of the men whom we follow to their long and dreary abode, in this place, because intelligence cannot reach their abodes in time to draw their friends around them before their death? That we are bound to hold the opinions of the people in high respect, said Mr. R., I agree; but there are some subjects on which we are better qualified to give than to receive instruction. Any man, who has had experience of public life in this place, is better able to say what is a reasonable compensation than any man who has not been here; and, when I talk of reasonable compensation, do I mean to say there is any assignable relation between services on this floor and money? None, there is none. No sum of mere money, taking it for granted the party is separated from his wife or children—ignorant of each other's situation, when one, or both, or all, may be struggling in the agonies of death—no compensation can remunerate a man for his suffering in that circumstance.

In that part of the country, where it was notorious that wealth was not accumulated as in others, how would they, Mr. R. asked, be able to send men here fit to struggle with the wealth of the South and West? For, he said, he had no hesitation in saying that the wealth, as well as the power and talent of the country, was travelling in a southwestern direction. Wealth, and wealth only, would become a passport to a seat here. He asked, what must not be the avarice of that wretch who, for $1,500, would sell his country and himself! Look, he said, at the compensation we give to the common sailor; look at the compensation to the captains of our Navy, and to the field and general officers of the Army, and compare it with the compensation the law of the last session went to give members of Congress. If he thought the public now required it, Mr. R. said, he would vote to repeal the law; but nothing short of the proposition he had made would answer the public sentiment. It would be only to forbear the pay of the present session, said he, which I would disdain to receive under this bill. I said, at the last session, I would as soon be caught with my hand in my neighbor's pocket, as vote against the bill then before us, and receive the money, and I say so still. After dwelling on the advantages of his amendment, Mr. R. returned to the subject of the bill. Is there a country on the face of the earth, he asked, where the officers are as well paid as ours? He spoke of the subordinate officers, the military and naval officers particularly. Had any appeal been made, not to say to the generosity, but to the prodigality of this House, in their favor, without being favorably answered? How many bills had passed to make good to the captors of ships-of-war the amount, and the enormous amount, too, of vessels destroyed? How many men in the naval and military service had been elevated from poverty to affluence and splendor? Are we about to affirm, said he, that Representatives on this floor are the only degraded caste in this society, when the emoluments of military, naval, and executive officers are raised to the highest pitch? Shall it be declared by ourselves that this House, as has been well expressed by the gentleman from Louisiana, shall be the mere initiative school for Executive appointments? God forbid, said he, that the time should ever come that this House should be regarded as the mere stepping-stone to other offices—as the ladder to be kicked from under the aspirant when he has attained his object. I have always regarded a seat in this House—and from that consideration have rejected overtures for a different situation—as worth the acceptance of any man of a liberal and honorable ambition. The qualifications to fit a member for this House are such as fifteen hundred dollars per year will not purchase. There was, Mr. R. said, a valuable description of men of excellent talents—of planters and farmers of a certain mediocrity of situation, who could not come, under the old compensation—which he begged the House not to restore to the statute book, unless they meant to make the station of a Representative such a one that none but two descriptions of men could afford to seek it—the opulent nabob on the one hand, and the miserable political muck-worm on the other.

Mr. R. said he had another objection to this bill—that it contained no provision for additional compensation to the Speaker of this House. [Mr. R. having been corrected in this impression, continued thus.] He had been told he had misapprehended the bill, and that a provision to allow him twice the amount allowed to other members was contained in the bill. That compensation, he said, was not adequate to the character and condition of the presiding officer of this House. When I think, said he, of the Speaker of the House of Representatives, my mind naturally reverts to the Onslows of England, and the Peyton Randolphs of America. I look to a man who ought to possess talents of no despicable sort; who ought to have Parliamentary law at least at his fingers' ends; who ought to be the grave and dig-

nified moderator of an assembly of a great and august character; for such it is, and little they do know of it who deem of it less reverently. Never let me see a man in that chair, who is a partisan on the floor and an umpire there. The Speaker of this House and the President of the Senate ought to have a compensation commensurate with the dignity of their stations. Why have we given to Hull, Decatur, Jones, to Scott, Brown, and other worthies in the public employ, ample compensations? Because we expect them to live like gentlemen; and the members of this House are to live—like blackguards. If he was not mistaken, the amount of annual compensation granted to a brigadier was double that which is allowed to a member of this House. If he was wrong in this, let it be stated.

With respect to public sentiment, said Mr. R., permit me to say that, in that ancient and respectable State of which I am an unworthy member, an indication has been given of the public sentiment which I hail as auspicious to the course which I trust will finally be taken here. A resolution, soon after the meeting of the House of Burgesses of Virginia, had been popped on the table, by some eager bidder at the auction of popularity—whom, he knew not, and cared not—expressing strong disapprobation of the act of Congress now proposed to be repealed. That honorable body had acted with a dignity which became them, as they always have acted, and he trusted always would; they laid the resolution on the table, and have ever since refused to take it up; and there it lies nailed like bad money on the counter; and with his consent and good will, so should lie this bill. And why? He perfectly appreciated the motives of the gentleman from Kentucky, who had brought in this bill; but it was not practicable to act in obedience to that public sentiment, on which the gentleman sustained his views of the subject, and fall short of the proposition to refund the excess already received. Mr. R. said he would not meet his constituents, passing the bill and receiving the compensation. I will not, said he, touch one cent of your money. Since I had a seat on this floor, I have always received what the Sergeant-at-Arms has given me; and, if it were necessary to appeal to any man in support of my declarations, I would bring him into court to say, whether I have not said to him, see what you give me, make it right—but I never did (nor will I ever) count one cent I got from the officer of this House. It was not, Mr. R. said, for six or ten dollars a day, or for fifteen hundred dollars a year, that any man who had a particle of self-respect, would sacrifice what he must, to come here. Gentlemen come here for honor—he did not suppose, he said, that any man comes here to take a point of observation from which he can carry on more securely a system of political intrigue.

Who would have believed—who would have believed, he asked, that the people of the United States would have borne all the privations and losses of the late war, and of the measures that led to it; that they would have quietly regarded a national debt, swelled to an amount unknown, to an amount greater than the whole expense of our seven years' war; that they would have seen the election of President taken out of their hands; that they would have borne with abuse and peculation through every Department of the Government and in the commissariat, &c.—and that the great Leviathan, which slept under all these grievances, should be roused into action by the Fifteen Hundred Dollar Law, as a petition laid on the table this morning so handsomely called it? As to that petition, he would say nothing of it, but that the agents who manufactured and sent it here seemed to have done everything but read the law in question; for the principles stated in that petition, as belonging to it, were diametrically opposite to the provisions of the law.

Mr. R. said he trusted, with the honorable Speaker, that they should deliberate on this question with sobriety, impartiality, and dignity; not so much as to the question before the House, as on every occasion which comes before this body, because such a conduct was due to the body itself. He trusted that this House would pursue one or the other of two courses; that it would permit the matter to sleep, and leave it to be settled by those who rode into Congress on the unpopularity of the law. For he should blush, he said, that this House, actuated by public sentiment, should act at all on the subject, and fall short of making most ample and complete restitution. For the sake of the character of this House for consistency, the bill ought not to pass in its present shape. What will the public say? These very demagogues and infuriated partisans, what will they say? That you have made a most ungracious lame *amende* to the public. We can do nothing properly, said Mr. R., but leave the subject where it is, and let our successors, howsoever and for whatsoever elected, act under the impulse by which they were chosen. The fact was, upon this occasion, Mr. R. said, that those who had labored to excite the public mind, had not labored in vain. The mischief he said, was done. It was thought a fine theme of declamation, and taken up accordingly by the prostituted presses of both factions of the country; but that excitement had in a great degree subsided. Mr. R. spoke of the importance of preserving the character of this House. We, said he, have nothing to give—we hold no levees, we have no retainers, no clients; the Representatives are accountable biennially to their constituents, from which ordeal I feel no disposition to shrink, but which detracts something from the value of a seat in this House, or we should not so often see members vacating their seats here and taking seats in the other House; and, if members of this House, who have served their country with fidelity, are to be hunted down in their districts with every little matter, pertaining rather to the ministerial administration of this House than to affairs of great national concernment, what will be the consequence? Who will accept a seat on this floor on those conditions? What man, he asked, would come, sep-

mark of littleness of mind in an Administration, than obstinacy in trifles. Public wisdom, on some occasions, must condescend to give way to popular *excitement*, especially in a free country, where the humor of the people must be considered as attentively as the humor of a King in an absolute monarchy. Under both forms of government, a prudent and honest ministry will indulge a small folly, and will resist a great one. Not to vouchsafe now and then a kind indulgence to the former, would discover an ignorance in human nature; not to resist the latter at all times, would be meanness and servility."

Mr. Hendricks said, he was decidedly in favor of a repeal of the law of last session, but he did not think the bill before the Committee the best possible substitute. This bill contemplated the repeal of the law of last session, from the time of its passage. That this bill, then, while it speaks the language of repeal, allows the members on this floor to put their hands into the Treasury and draw the proportional part of fifteen hundred dollars, which will be coming to them from the commencement of the present Congressional year, to the time of the passage of the bill. That there was no repealing clause in the law of last session, and, of course, nothing else was necessary, than a bare repeal of the law. The old law, on the subject of compensation, would stand revived, of course. This simple repeal was what he wished, and with such a retrospective view or operation, as would at least express an opinion of this House, that none of its members shall, or ought to, receive any compensation during this session agreeably to the principles of the law of last session. That this retrospective operation was objected to, but it was admissible, on the principle that Congress had a right to fix their own compensation, and, on the ground, that the precedent fixed at last session was in point. The law of last session had a retrospective operation. Mr. H. said that, on the ground of the public sentiment, he had no doubt. That the public sentiment of his district had to him been fully and officially expressed through the medium of the Legislature of Indiana; that the Senators from that State had been officially instructed, and himself requested, to use their votes and influence, to have that law repealed, and, if no such expression of public sentiment had been expressed, he should have no doubt of its existence. There was scarcely a man, he believed, in the remote settlements of Indiana, who had not heard and reprobated the law; and it was no wonder, said Mr. H., that his constituents disapproved of that law. Their ideas of expenditure were very unlike those of all the Eastern cities. Six dollars per day sounded large enough to them. Their sources of wealth, means of procuring money, were few and narrow, when compared with the commercial opulence of a maritime country, or even the independent competency of an older State. They were rescuing their country from a wilderness. Agriculture was in its infancy, and the produce they had to spare—their corn and their beef—in the neighborhood of a plentiful market, bore a very low price. Mr. H. said that, while he would not contend for a refunding of any compensation received at last session, it was not to be presumed that any had drawn heavily on the Treasury since the commencement of the present session, and it would ill become this House to repeal a law, because it was wrong, and at the same time, practise all the wrong which that law authorized, to the date of its repeal. It would be holding out to the people the semblance of doing what they required, when we were not so doing, and if the people in the passage of the offensive law had been injured, this kind of legislation would be adding insult to that injury.

That it had been said, that lowering the compensation of members would have a tendency to exclude from this floor the talents of our country; but, let it be remembered, said Mr. H., that the best talents were found in the councils of the nation, at a time when no compensation was certain or scarcely probable; that the early days of our Republic would be an abundant testimony to this remark.

The Committee then rose, reported progress, and obtained leave to sit again.

Wednesday, January 15.

Mr. Yancey presented a petition of the religious society of Friends, in the State of North Carolina, praying that Congress will adopt some measures towards colonizing the free people of color residing within the United States; which was ordered to lie on the table.

Mr. Sharp, from the Committee on Private Land Claims, made a report on the petition of Gabriel Winter, which was read; when Mr. S. reported a bill confirming certain lands in the county of Arkansas, in the Missouri Territory, to the heirs of Elisha Winter, deceased; which was read twice, and committed to a Committee of the Whole.

Mr. Pickering moved (agreeably to notice given by him yesterday) for leave to bring in a bill further to regulate the Territories of the United States, and their electing delegates to Congress; which motion, together with a bill therewith submitted, was referred to Messrs. Pickering, Grosvenor, and Hugh Nelson. The bill was afterwards reported, twice read, and committed.

On motion of Mr. Root, the Committee on Military Affairs were instructed to inquire into the expediency of allowing to the legal representatives of soldiers who enlisted to serve in the late war and died before muster, the same pay and bounty as such soldiers would have been entitled to, if they had been duly mustered.

The bill from the Senate, concerning the Attorney General of the United States, was twice read and committed.

THE COMPENSATION LAW.

The House resumed the consideration of the bill to repeal the act changing the mode of compensation of the Senators, Delegates, and Representatives in Congress.

Mr. JOHNSON, of Virginia, asked the indulgence of the Chairman, and through him the indulgence of this honorable body, for a short time, whilst he should assign some of the reasons which would influence his vote on the question under deliberation. I ask not, said he, the charity of the House to be extended to my feelings. I disdain the idea of relying for the tranquillity of my feelings on the forbearance or charity of any man or set of men on this earth. As I hold myself personally responsible for every sentiment and expression which I utter here or elsewhere, to every man entitled to the treatment of a gentleman, so I hold every individual having this title personally responsible to me for every infraction of my rights, or violation of my feelings. I have frequently witnessed the avidity with which malignity and cowardice fixed their fangs on the victim, who would patiently writhe under their torture.

I cannot condescend to notice the strictures of the member from Virginia, (Mr. RANDOLPH,) on those who voted against the law at the last session, farther than to say, that he did not yesterday represent truly what he said at the last session. He did then expressly confine his felonious comparison to a single individual, who had contended, in argument, that the old compensation (viz., six dollars a day) was amply sufficient to meet the expenditures of members at this place. This cannot be forgotten by the member; it was attended by circumstances which render it impossible. It is certainly within the recollection of many, very many respectable members of the House.

Sir, I voted against the law at the last session. I received the full compensation to which I was entitled under it as a member. I doing this, I believed that I acted with perfect integrity and honor; I still think so. In point of honor and integrity, I shrink not from a comparison with any member of this House, or any man in this nation.

I opposed the law at the last session, not from the miserable, contemptible motives which some of its warm advocates then had the presumption to attribute to those who voted against the measure. Not in order, as has been insolently remarked, to creep through a dirty canal to popularity. Not with the view to seek, through such a medium, a short-lived popularity, more evanescent than the baseless fabric of a dream. I am proud to believe, that, on my part, no necessity existed to conciliate, by such means, the people whom I have the honor to represent. They are too intelligent, too independent, and too honorable. When I came into Congress, it was by the triumph of principle; it was a conquest obtained by the people over cunning, duplicity, and fraud; it was a voluntary effort on their part to get rid of a man who had long misrepresented their sentiments and their feelings. It was their victory, not mine; a victory which afforded me pleasure, not from selfish or personal considerations, but from the consolatory reflection that principle had triumphed. When the election terminated in my favor, it was very doubtful whether I should ever be able to take a seat in the Congress of the United States. I was from home but once from the time I became a candidate, and returned to the district in which I reside not until long after the close of the election. I have never flattered the follies nor the vices of mankind. It is not in my nature to flatter man. I am not indifferent to popularity. But I desire that popularity only which is the voluntary tribute to virtuous, independent, and honorable actions; the reward for services performed with fidelity and integrity—no other would I enjoy.

When the law of the last session was under deliberation—the law which it is now contemplated to repeal—I saw and felt the delicacy of my situation. To be called on to vote on a question, in which I was personally interested, although the amount of interest was too trifling to influence any honest or honorable man; to influence any description of persons, except some miserable mendicants, or trembling paupers. For what man, I ask, who is fit to come here—who is qualified to represent the free, the independent people of this nation—who could be influenced by pecuniary considerations—who could not, by the proper exertion of his own abilities, in domestic pursuits, benefit himself and his family far beyond anything which the Government can afford or ought to give. The delicacy of my situation did not result from a doubt as to the course which I ought to have pursued, which I determined to pursue. The question was no sooner presented to me, than my convictions of the impolicy and impropriety of the measure assumed the force of intuition. Yet I knew that the most pure and honorable motives were ever liable to misrepresentation. That an honest opposition to a measure of an impolitic character, especially if it required anything like what some term self-denial, would be attributed to a base, low, and contemptible mode of courting popularity; that little souls, bursting with malignity, would be constantly scattering their filth and their venom round. I, sir, have never trembled nor cowered before mortal man; nor have I ever stooped to a mean act to promote my private or my public interest. At the last session I took occasion to state that I was satisfied that the depreciation of money, and the increased price of every article of consumption—of living—had rendered the six dollar compensation insufficient to meet the reasonable and decent expenses of members at this place. I have uniformly maintained this opinion. I would then have voted for a law, raising to a moderate amount the daily pay of the members to a sum which would have borne the same proportion to the expense of living which the old compensation bore at the time it was fixed, provided the law had been postponed in its operation until the 4th of March next. But I will never vote for any measure in which my personal interest may subject me to the imputation of being influenced by selfish, sordid, and mercenary motives.

The mode of compensation presented an objection which was irresistible and conclusive.

Every appropriation of the public Treasury should be clear, definite, and certain. No mystery should exist. The people for whose benefit alone this money should be touched, ought to have the means of judging with certainty as to the amount of expenditure, in order to enable them to judge of the justice and the wisdom of the expenditure. The services rendered by the members of Congress, by the members of every legislative body, are, from their nature and character, contingent and uncertain—depending on the relations of the country—sometimes on the prosperity, and frequently on the adversity with which she may be visited. They are not services of that character which can be fairly and properly compensated by a fixed annual salary. The various misrepresentations which have existed in reference to the law of the last session—the law which now claims the attention of this honorable body—which has obtained the serious attention of this nation—the difficulty which has been experienced by the people in understanding its provisions, are, to my mind, conclusive evidences that it ought to be repealed. Why, then, should the law of the last session be so pertinaciously adhered to? A law which proposes a compensation by salary, when, in truth, no single idea which enters into the complex term called salary is preserved by that law. What is a salary? A certain, fixed, and determined sum, to be paid at certain fixed periods—dependent on no other contingency but the continuance in office. Whereas, the salary provided by that law depends on several contingencies. The member must be in his place on every day during the session, or must be prevented, after taking his seat, or after setting off from home with the view to take his seat, by sickness, from continuing in the first case, or in the second from taking his seat, to entitle him to the salary. For, if he is absent a single day, or any number of days, from the service of the House, either with leave or without leave, a deduction is made of a sum equal to that which the absent days bear to the whole number of days in the session or sessions, if there be more than one in the year. I can truly say, that I do not know the opinion of the majority of the people in the district in which I reside on the subject of this odious law. As far as I have heard not much has been said in relation to it. This I do not attribute to the indifference with which they have viewed the question. I have no doubt they are as sensitive on the subject as the people of the United States generally are. I account for it on the ground that they know the course which I pursued on the question—the vote which I gave. I again most peremptorily deny that my opposition to the law at the last session was the result of that miserable, contemptible policy which several gentlemen have presumed to charge upon those who have opposed that measure. Sir, I will trouble the Committee no longer.

Mr. Ross, of Pennsylvania, said, the question under consideration was too agreeable to excite unpleasant sensations; because, it gave every member an opportunity of speaking of those objects most dear to his heart; of himself and his constituents. It is a trite observation, that the reason lovers are never tired of each other's company, is, because they are constantly talking of themselves. The same observation might be applied to the Representative and his constituents. They are, or ought to be, equally alive to the interest and reputation of each other. If so, it may reasonably be expected, much will be said on the subject under consideration, which may be truly termed a selfish one. He said his constituents had, unsolicited, re-elected him, without requiring of him any other pledge, than that of his past conduct. They had confided to him the free and unqualified right to exercise his own judgment, after a full hearing, on every question which might arise. Such generous confidence, on their part, at a time of unusual excitement and ferment, deserved, and should receive of him, the most profound regard for their interest. Their approbation, next to that of his own conscience, would be the only boon he should aspire after, so long as they continued to honor him with their suffrages.

He said he was not sure the course he should pursue, on this occasion, was that which was best calculated to insure to him a lasting popularity. He granted it was in accordance with the present prevailing opinion; but he recollected when a navy was unpopular in this country, and particularly so in his district; when he was charged with political heresy for his adherence to that establishment; when, instead of increasing the Navy, it was deemed expedient, by its friends, to yield to the popular clamor against it, and, at the close of a most unpopular administration, to pass a law to sell a part of that which existed. But a navy is now the favorite of the people; not a voice is raised against it, and its increase is loudly called for. He rejoiced at the change of the public sentiment in this instance. But may not the opinions of the people undergo a similar change with regard to the compensation of members? He thought it by no means improbable. How odious was the United States Bank a few years ago amongst the Republicans. What a darling is the National Bank now with many of them. He said he made these observations to show he was too well acquainted with the instability of public opinion, to make it a rule of action, and to acquit himself of the imputation of being actuated by a desire to obtain popularity; a desire always honorable, when it can be accomplished by fair and honest means.

He said he could not agree with his venerable colleague, (Mr. Findley,) who seemed to think the great change which had been made in the representation of Pennsylvania at the late election, was not to be ascribed to the compensation law, inasmuch as seven or eight members who had voted against that law had not been elected to the next Congress. He, Mr. R. thought the compensation law had prevented their re-election; he was justified in this opinion by a recurrence to facts. Unceasing industry had been made use of, both in and out of this House, to identify those who voted

against that law, with those who voted in favor of it, as equally culpable, if not more so. For this purpose, in Pennsylvania, on the 4th of July last, a toast was drank, and circulated with assiduity, at a respectable meeting, at which it was said one of the Judges of the Supreme Court of that State presided, with a most unhandsome, unjust sentiment attached to it. If he recollected right, it was this: "The fifteen hundred dollars compensation law; the receiver is as bad as the thief." To the dissemination of such uncandid sentiments may fairly be ascribed, in a great measure, the failure of the election of the members alluded to. This toast should not have been noticed, but for its accordance with a more exceptionable sentiment, expressed by the gentlemen from Virginia last session, and reiterated during the present debate, "that if he had voted 'against the compensation law, he would as soon 'have been caught with his hand in his neighbor's 'pocket as to have taken the money."

Are these sentiments just, when applied to the opponents of the compensation law? Will they bear the touchstone of a fair and candid examination? Is it not the duty of every good citizen to submit to the laws which are passed by a majority, however injurious they may be in their operation, to him as an individual? If he is bound to submit to those laws which injure him, may he not fairly, honestly, and honorably, avail himself of those which benefit him, although he voted against them? By what system of morality is a member of this House excluded from the benefits and advantages of the laws passed by the majority? Was not the compensation of the members, when it was first fixed, deemed too high by many? Did not many of the then members oppose it on that ground? Did any of them refuse to receive the sum fixed on? Was there any other law under which they could receive their pay? Was there then any political adventurer hardy enough to implicate those who voted against the law, in the censure which attached to those who voted for it, because they received the compensation? Was there any other law than the fifteen hundred dollar law, (as it is commonly called,) under which the minority could have received their pay last session? If the law had been popular, its opponents would not have been entitled to any of the credit. As it has proved unpopular, they ought not to incur any of the censure. Let the question be examined by analogy to other cases. Will any gentleman say that those who opposed the National Bank (even under the belief that it was unconstitutional) were bound by honor or morality to decline subscribing for the stock? The gentleman from Virginia, certainly would not, because he declared his determination to act otherwise. Suppose a majority of Congress should, in a fit of frenzy, pass a law to sell the unlocated lands at six cents per acre, instead of two dollars, would any one say it would be immoral or dishonorable in those who opposed the passage of the law, to take out warrants under it? But it is an old proverb, that "misery loves company." If true, it is not surprising that those who have committed political suicide, should, Sampson-like, endeavor to crush their opponents beneath the general wreck their own conduct has produced. Mr. R. said, he made these observations to rescue himself, and those who had sincerely acted with him, in opposing the passage of the law, from imputations which were unfairly and unjustly attempted to be cast upon them.

Mr. R. said this might be hailed as a proud day for the people. Their power and influence are portrayed in strong and vivid colors by the sincere repentance and deep contrition of many of those who voted for the law; the sincerity of which was evidenced by their anxiety to be foremost in undoing what they had hastily done last session. He trusted the people would receive the sacrifice now made to their will (the repealing of the law) as an ample atonement.

The arguments urged by the people at the late elections in favor of the repeal of the law have been and are more convincing and conclusive than anything that has or can be said in this Committee; and, but for the reasons assigned as an apology for the enactment of it, though not urged as reasons why it should be continued, it would be unnecessary to trouble the Committee further.

Mr. R. said, those who are in favor of a higher sum than six dollars per day, contend that justice and sound policy require it; that the compensation of a Representative ought to be such as would enable the virtuous and intelligent citizen, of every class in society, to serve his country in the National Legislature; such as would enable him to live like a gentleman when here, and maintain his family while absent; such as would insure the continuance of the services of the ablest heads and the best hearts in the country; and such as would put him, in some measure, on a par with the other officers of Government—make him independent, and place him above the influence of Executive patronage, which six dollars per day is altogether inadequate to do.

These reasons are plausible, if not strong, in favor of a higher per diem than six dollars. They naturally suggest the question, what are the requisite qualifications to make a good Representative? The answer is plain: Wisdom to discern and integrity to pursue the true interest of his country. Will a high salary or a greater per diem have a tendency to bring men with such qualifications into the National Legislature, sooner than the moderate sum of six dollars per day? Would it not have a contrary tendency? Would it not stimulate every political adventurer, who had nothing to lose and everything to gain by securing an election, to supplant by unfair means th meritorious candidate in the confidence of the people? The qualified candidate would feel too much respect for his own character, and that of his constituents, to gain their votes by soothing their follies, or flattering their vices; but the unqualified candidate would be all things to all men—he would affect sanctity with the religious; laugh with the merry; treat the avaricious; flatter the vain; cringe to the proud; promise everything and perform nothing—and then blame those

whose popularity he wished to destroy, for his failure to accomplish what he had promised. He would nine times out of ten succeed. But leave, said Mr. R., the pay so low that it cannot be an object worthy the pursuit of any one, and the people will look for the best qualified man to fill the office. He will not seek the office; the office will seek him, and it will find the proper person.

Gentlemen appear to think that a good salary, or a handsome per diem, is essentially necessary to bring a respectable representation into this House, and to make them, when here, independent of Executive influence. If so, it should be given. But, when did gold give intelligence to the head or integrity to the heart? That it will not do the former, is proved by the conduct of Ferdinand VII.; and that it never has done the latter, may be collected from the characters and conduct of Bacon, Marlborough, Dodd, and Grattan;—the latter of whom, while indigent, was the bold defender of his country's rights; yes, and of the rights of man. His fellow-subjects, grateful for the many services he had rendered them, gave him £50,000 sterling. They made him rich, or, in the language of gentlemen, independent; but they paralyzed the patriotism of his heart. He ceased to be the eloquent champion of civil liberty, feelingly alive to the miseries and afflictions of his oppressed countrymen.

Enable your Representatives, said Mr. R., to live in ease and affluence—to contract habits and tastes above the intelligent part of their constituents, and inconsistent with the plain republican manners of your country—and you qualify them to become the panders of power, and the creeping, cringing sycophants of the Court. You cannot by your laws imbue men with virtuous, independent, stern, and inflexible characters. The laws of nature and of nature's God, aided by an early education, can only accomplish the object you aim at.

But, all abstract reasoning on this, as on most other subjects, said Mr. R., is dangerous. It leads to errors, which facts and experience alone can correct. He might be wrong in the views he had taken, but, while he retained his present impressions, he must act in unison with them. He should, therefore, vote for filling the blank with the lowest sum named, which was six dollars. If this sum should not be agreed upon, he thought it would be better to repeal all the laws fixing the pay of members, and leave the subject so that the next Congress, who had been elected expressly with a reference to this subject, should be obliged to act on it. The people would then have an opportunity of testing the sincerity of those whom they had elected, because they professed an entire opposition to the compensation law.

Mr. R. said, the proposition of the gentleman from Virginia (Mr. Randolph) to refund, would meet with his cordial support, if consistent with a proper respect for the integrity of the representative character, of which he entertained some doubts.

But he was admonished, by the recollection of a favorite saying of a great, but eccentric genius, that words are the counters of wise men and the money of fools, to say no more.

Mr. Barbour said that, before the decision of this question, he asked the indulgence of the Committee, while he very concisely stated his views of the subject, and the reasons which would influence him to vote in favor of the bill upon the table, having for its object the repeal of the compensation law of the last session.

Mr. B. said that he should vote for the repeal of that law, partly for the reasons which had induced him to vote against it at the last session, and partly for a most important reason which had occurred since that time—he meant the decided expression of the public opinion on the subject. When this question was before the House at its last session, he said, he was opposed to the passage of the law, first, because he considered the compensation to members not as a remuneration for labor or personal services—not as an indemnification for individual sacrifices—but as intended to defray the expenses of members, incurred by reason of their situation as members. He thought it was obvious the compensation could have no relation to the individual sacrifices of the members, because they vary with the varying situations of different members. Some gentlemen are engaged in vocations which are more, others in those which are less lucrative; some in the extensive practice of a profession yielding them a very ample revenue, infinitely beyond the amount even of the compensation proposed to be repealed; others in pursuits yielding a very inconsiderable profit, perhaps not half equal to the amount of that compensation. The idea, then, of the pay of members having any reference whatever to this consideration, would involve the necessity of this admission, that some must be remunerated beyond what they are entitled to, whilst others would fall as far short of that standard. This proposition, then, could not for a moment be sustained. Nor could he think that the compensation was intended as a remuneration for labor performed. Upon this subject, he appealed, not only to the practice under the Federal Government, but to that which prevailed in the nineteen distinct State governments which composed the Confederacy; and he asked whether there was a State government in the Union in which it was not distinctly understood that the compensation to the members of its Legislature had reference only to the payment of expenses? This idea then was consecrated by the usage and custom of the country.

He admitted that, considered in any other point of view, than as relating to the payment of expenses, the per diem allowance of six dollars was insufficient; nay, he admitted that, considered even in that point of view, it was clearly inadequate to the maintenance of a member with his family; but, considered in relation to the expenses of a member himself, which he said was in his opinion the true ground on which to put it—it was sufficient for that purpose; he said, that as his habits of expense were not those of profusion, on the one hand; so, on the other, he never ran into the opposite extreme; he thought the

old allowance of six dollars per diem adequate to a style of living, which, while it avoided both these extremes, was comfortable and genteel. Another important reason which had induced him to vote against the law of the last session was this: that it embraced within the pale of its provisions the then Congress by which it was passed; he said that he knew the Constitution had confided to Congress the power of fixing their own compensation; this was the result of necessity, as there was no other power but the Legislature, to which it could be confided; but, at the same time, upon the great principle, that no one ought to be a judge in his own case, because of the difficulty, even with the best intentions, of being impartial in such a situation, he wished the law to have excluded from the benefit of its provisions the Congress which passed it. What added great weight to this consideration was his knowledge of the propensity of mankind, whenever *self* was concerned, to impute to those, who were called upon to act under such circumstances, motives which they never felt; for nothing was more true, it was a melancholy truth, than that man, though utterly unable to search the heart of his fellow man, will yet undertake to estimate the motives of all his acts—and if they be within the possible reach of imputation, to ascribe them to bad rather than to good intentions. As well then because of the delicacy of the situation, as because of a desire to avoid any possible imputation, he had been opposed to that feature of the law of the last session which embraced the then Congress.

He came next, he said, to an important reason, which had great weight, and indeed would of itself be decisive with him; he meant *public opinion.*

As far as he had been able to procure information, he felt no hesitation in expressing it as his opinion, that no measure, since the institution of this Government, had excited so much dissatisfaction, as the one now proposed to be repealed; some few gentlemen had stated, and he made no doubt correctly, that their constituents had not complained; but with these few exceptions, he believed it might be said, that, from one extremity of the Union to the other, there had been an almost concurring sentiment of disapprobation. Gentlemen mistake if they suppose that it was a storm raised only by a few factious printers; they equally mistake, if they suppose that it was merely a momentary ebullition of passion among the people. There was indeed, sir, at first a violent excitement; gentlemen might call it, if they pleased, a storm—but that storm, even when its fury abated, subsided into a fixed and settled discontent at the measure; from a free communication with his constituents, he was enabled to say, that it met the disapprobation, and excited the discontent of the grave, the reflecting, and the deliberate; and such he believed to be the case with an immense majority of the American people. With this impression, had he voted for the law, he should now vote to repeal it; having voted against it, it furnished an additional reason for its repeal, besides those which had influenced him originally against it.

If this respect were not paid to a deliberate expression of public opinion, he said that the practice of the Government would be in direct hostility with its theory, and the principle on which it was founded. We were sent here to represent the people. If, then, we knew their wishes, upon a particular subject, and yet did not pursue them, was it not a solecism, was it not a contradiction in terms, to say that we represented them? He thought, as had been said upon another occasion, that the House of Representatives ought to be the "*image* of the feelings and sentiments of their constituents." Establish a contrary doctrine, and there is an end of representative Government.

He said, he had been gratified by the declaration made by the member from Kentucky, in the opening of this debate, that he meant to avoid everything like excitement; it had been his purpose, too, not to have uttered a word calculated to excite the least feeling, or awaken the least sensibility; the subject was one of sufficient difficulty and delicacy in itself, without adding to them by the course which the debate took in this House. He was sorry that the gentleman from Virginia had, on yesterday, made use of an expression as singular, as it was unwarrantable, to this effect: that he had as soon be caught with his hand in his neighbor's pocket, as to vote against the bill and receive the money. In receiving the compensation as fixed by law, he said that he had acted as he thought right—he did not owe an account of his conduct upon this subject, either to the gentleman from Virginia, or to the House; he was accountable for his conduct upon that occasion, as well as all others in his public life, to another tribunal, to his constituents, to whom he hoped and expected to justify himself; if he did not, they knew their remedy. He would, however, make this remark, that before the gentleman from Virginia could attach blame to him, that gentleman must first do what he, Mr. B., certainly should not do; that is, he must ascribe improper motives to himself, and those who voted with him; because, he said, it could not be improper in him to receive money, which was honorably and fairly acquired. Believing the motives of those who voted for the law to be pure, it was thus acquired. But, he said, he would not pursue these remarks further; he would conclude by expressing his wish that the bill upon the table might pass.

Mr. RANDOLPH asked leave to explain. He hardly knew how, he said, to express the disappointment he felt at having occasioned, by the few remarks he yesterday expressed, the strong excitement which gentlemen appeared to feel. He recalled the attention of the House to the original declaration on his part, prior to the passage of the bill. He had said, prior to the passage of the bill—when it was impossible to know who were in favor of it; when the decision in the Committee of the Whole had led him to believe that a very large majority indeed were in

favor of the bill—yes, Mr. R. said, he did say *a priori*, (and he repeated the assertion,) that he had as lief be caught with his hand in his neighbor's pocket, as vote against the bill and receive the money. And the gentleman from Pennsylvania to-day told the House, that this sentiment the people have ratified, by declaring what he (Mr. R.) would not here repeat. He had, he said, at the last session and now, pronounced a rule of action for himself; he had not set up his opinion as a code of morality for others. He had, he said, a right to his opinion; he was glad to find his opinions had influenced the conduct of one honorable member. The declaration he had made at the last session—for he hardly now knew who had voted for and who against the law; who took the money he was profoundly ignorant, with the exception of two individuals, himself and his colleague, (Mr. Tucker)—that declaration he now repeated. I stand on this floor (said Mr. R.) under circumstances peculiar. It is a great while ago since I made another declaration—I am really reminded sometimes of the exclamation of poor old King Lear—

"The little dogs and all,
Tray, Blanche, and Sweetheart, see, they bark at me!"

Honorable gentlemen are mistaken. So long as I stand on this floor uncorrected—[Mr. Barbour here rose, and begged leave to ask, whether the gentleman, in his Shaksperian quotation, respecting Tray, Blanche, &c., had any allusion to him? If he had, he should like to hear from him.] I believe, said Mr. R., I am entitled to the floor—I am under the correction of the Chair. He said he was not under any excitement; he had risen with no such view as to produce it. He had risen for the purpose of stating, that, so long as the presiding officer of this House deemed his language parliamentary, he held himself responsible for it to no man out of the House, but at his own will and pleasure. The Speaker of this House, he said, was appointed by the House to preserve decorum and the order of debate. So long as he, said Mr. R., permits me to go on unchecked, I will express my opinion on this and every other subject, without restraint. The time has gone by, sir—my situation as well as the situation of other honorable members on this floor is changed; the time has passed, when I might say like another of Shakspeare's characters, who, if not witty himself, was the cause of wit in others—when if not great myself, I could be the cause of greatness in others. No man can now raise himself to eminence by flying at *my* throat, or barking at *my* heels.

It appeared to him, Mr. R. said, that an excitement had been raised on this occasion, which unquestionably he had not himself felt until to-day, if he felt it now. During the last session of Congress, he said, it would be well recollected, he had made a proposition that the act should take effect, not during the present Congress, but at a future time. That proposition had been overruled on the suggestion of the honorable Speaker, that it seemed to him more proper that each Congress should assess its own wages. An observation had been made also by an honorable and venerable member from Massachusetts on that occasion, which had its proper weight, in consequence of which Mr. R. had withdrawn his motion. But was it not competent for any honorable member to have renewed it? Why had not this vituperated law been opposed at the last session with more energy, eloquence, and argument? Why had the opposition been reserved to this session of Congress? Why had not gentlemen brought forward their propositions, and put them by yeas and nays, on the journal of this House? Why, said Mr. R., I recollect perfectly—I must be excused in saying it—I recollect distinctly, that the division in the Committee of the whole House on that bill was not the same as the division in the House, and the argument at the fireside was unquestionably not in every case the argument on the floor. I bring forward no charge against any member—but the fact was as stated. The gentleman from Virginia says he will not account to me for his conduct. Have I called on any man to do so? I have asserted my principles merely, and I will maintain them.

Mr. R. said he had risen barely for the purpose of explanation; but, being on the floor, he hoped he might be permitted to make one remark on the observations of the gentleman from Pennsylvania, which certainly had created much mirth. I had hoped, said Mr. R., they would have allayed the asperity which had been excited, which I dislike to meet—not certainly because I am afraid of it. But, I am about the close of my parliamentary career, and should be sorry to go out of the world out of charity with any man, from the highest to the lowest—from Alpha to Omega. I should wish to close my political, as my physical life, in peace with all mankind; but, if it must be closed, with my back against the wall, not in charity but in strife, be it so!—I submit.

Mr. Barbour said that, in the few remarks which he had this morning made to the Committee, he had reference to what he thought, and had called an unwarrantable expression of the gentleman from Virginia; and, he thought, had parted with him as lightly as the occasion would permit. When, said Mr. B., I rose, I asked the gentleman whether he alluded to me in his Shaksperian quotation; the gentleman declined an explanation, and afterwards took occasion to say, that he did not consider himself responsible, either in or out of the House, for what he said on this floor. On this occasion, said Mr. B., I will only remark that, in regard to a gentleman having thus disavowed responsibility for anything said here, it is not material to any one what he says.

Mr. Randolph begged pardon of the House—he begged pardon for again rising. The interruption of the gentleman from Virginia had been unparliamentary—an interruption with the pallid face and tongue of passion was not that sort of interruption, Mr. R. said, which he would ac-

knowledge on this floor. No man, said Mr. R., has a right to ask me, in debating on general topics, if I alluded to him. I am addressing the Chair, the country, and the House; and no man has a right to say do you mean *me?* Because, if he has, every man in the House has a right to get up, and say and *me*, and *me*, and *me*. I spoke *a priori*, said Mr. R., before the bill passed. Let others make rules for themselves. I never called on the honorable gentleman to give me an account of his conduct, or of his pay. I know nothing of his money, nor how he has expended it; nor do I care. It is a matter, as he has properly said, for him and his constituents. What, Mr. asked, was to be the consequence of this kind of admission? It was not for him to pursue it. What was to become of the freedom of speech on this floor, if, so long as the Chairman of the Committee of the Whole, or the Speaker of the House, did not think proper to interpose—and, Mr. R. said, he had never found any backwardness on their part in calling *him* to order—if a man, speaking his opinions, talking about public affairs in the general, is to be catched up, he would not say by any drawcansir who happened to get into that House, but by any man who thinks he may obtain distinction, or show his valor, by marking any individual on this floor? In regard to getting rid of responsibility, said Mr. R., the honorable gentleman may place that on what footing he pleases. I disavow the right of any man to rise upon this floor, and demand of me whether I allude to him when I make use of a general expression. There are many individuals in this House whom I do not know, for I never met them in the House or out of it; they would any of them, Mr. R. intimated, have the same right to demand explanation. He was very sorry, extremely sorry, he said, the matter had taken this turn. As he said before, although there was some little of feeling on his part on the present occasion, there was nothing of passion.

Mr. WRIGHT said: I hope, Mr. Chairman, to be indulged while I present my view of the late compensation bill at the time of its passage, and also my objections to its repeal at this time, although I should still prefer its modification to a per diem at the rate of ten dollars; as it would be better understood and preferred by the people. Sir, in order, distinctly to present my view of the subject, I must be permitted to take a review of the compensation given to the old Congress, prior to the establishment of the present Constitution. A compensation was fixed, by each State Legislature, for its own members, at a time when money was of great value; when the finances of the States were humble, and in a body where the members of Congress had no control. That the State of Maryland gave her members of Congress eight dollars per day, and the same Legislature, at the same time, gave her own members two dollars per day, which she has long since increased to four dollars per day, a measure justified by the depreciation of money, ascertained by the rise of every necessary of life—so that, on the passage of the compensation bill, I really felt myself *quasi* instructed by the conduct of the Legislature of my own State to increase the compensation of the members. I never conceived, that the making the compensation commence with the session, the invariable practice of the State Legislatures could be liable to reprehension. I therefore felt myself justified by the example of Maryland, in the commencement and extension of the compensation, also by my own knowledge of the sacrifices I had made, and the conviction on my own mind of the justice of giving the value of the sum fixed on in 1789. It was the substantial value of the compensation I felt myself entitled to, and did not believe that value would be exceeded by the compensation bill. Would any man in the community be satisfied with the price given in 1789, for any article of life he had to dispose of, nay, would he not laugh even at a member of Congress who should be simple enough to make him such a proposition, although backed by the remark of the unchanged state of his own compensation? Sir, was the six dollars, in 1789, considered a just compensation? was the value of that compensation substantially increased by the late compensation bill? are questions that irresistibly force themselves on the mind, in the consideration and just decision of the question. Sir, we have been charged with a want of delicacy upon the subject, and with the political heresy of raising our own compensation. By the Constitution, it is expressly provided, that the members of Congress "shall receive a compensation for their services, to be fixed by law," and they of course must in the first instance make that law. Congress in 1789, in the exercise of that power, thus necessarily and constitutionally devolved upon them, acted a modest and self-denying part, and no doubt with an eye to the popularity of their infant Republic, by reducing the compensation from eight dollars, heretofore given, as I have shown, to six dollars per day, whose conduct upon that occasion justified the confidence that had been reposed in them. And here permit me to remind gentlemen, that an amendment was proposed to the Constitution, "to limit the power of Congress in the increase of their compensation, so as to make it take effect only at a future Congress," and that amendment was rejected by the States; hence it appears that the very objections now urged by the Boston Hartford Convention gentry had been overruled by the people, who were not afraid to trust Congress, originally, to fix their compensation, or to raise it, when, in their discretion, it became necessary, and refused to tarnish the fair fame of their own Representatives, selected by themselves, as the Constitutional sentinels of their lives, their liberties, and their fortunes, by the adoption of the amendment. Sir, at the time Congress fixed their own compensation at six dollars, they fixed the compensation of most of the officers of the Government, and, strange as it may be to tell, we are charged in the face of the world, in the passage of the compensation bill, with raising our own compensation and leaving the compensations of the officers of Government as they were. Sir, I will detect and expose the unfounded calumny

by showing the state of the compensation then given to the respective officers of Government, and their present compensations. In 1789 the compensation to the President was fixed at twenty-five thousand dollars, when Washington, the favorite of the nation, presided, with the use of the furniture, and other effects, then in his possession belonging to the United States. Mr. Adams, at the commencement of his Administration, in addition to the twenty-five thousand dollars per year, was allowed fourteen thousand dollars for his term of four years to supply himself with furniture. Mr. Jefferson, during his Administration, was allowed also fourteen thousand dollars for the same purpose. Mr. Madison, at the commencement of his Administration, was allowed fourteen thousand dollars for the same purpose, and after the conflagration of the President's house, an additional sum of fourteen thousand dollars was allowed, which I understand has not been expended. Thus you see how the President's original compensation has been increased. In 1789, the Secretaries of the Departments were allowed, some three thousand five hundred dollars, others three thousand dollars; those of the first class have long since been allowed five thousand dollars, and those of the second class, four thousand five hundred dollars; thus adding fifteen hundred dollars to each Head of a Department. In 1789 the salaries of the Judges of the Supreme Court were established; to the Chief Justice, four thousand dollars, to the associate Justices, three thousand five hundred dollars each. These compensations were predicated on the labors contemporaneously assigned them, which have been reduced one-half, and will therefore justify their present allowance it is conceived in the opinion of every man of reflection, who will examine into the case. At the time of fixing their compensation, the United States were divided into three circuits, and two of the Judges assigned to ride each circuit, twice a year; and the Supreme Court, then directed to be held twice a year, at the Seat of Government. This was soon found impracticable, and to defy the physical powers of men of their high standing and respectability. The United States were afterwards divided into six circuits, and one of the Judges of the Supreme Court was assigned to each circuit, to act with the Judge of the district as a circuit court; and the Supreme Court reduced to one session per year, at the Seat of Government; and now, by a bill on the table, it is contemplated to relieve the Judges of the Supreme Court from the labor of circuit Judges, so as to enable them to perform the high duties of the Supreme Court, which they have been compelled to adjourn before half the important business of the nation was finished, in order to perform the less important duties of the circuit court—which bill I hope and trust will soon become a law.

In 1789, the Attorney General was allowed a salary of fifteen hundred dollars; in 1792, four hundred dollars were added to his salary. In 1797, five hundred dollars more were added to his salary. In 1804, his salary was raised to three thousand dollars, and this day a bill from the Senate was received in this House, to furnish the Attorney General with an office, fuel, and stationery. In 1789, the Secretary of the Senate, and Clerk of the House of Representatives, had each fifteen hundred dollars, but they now each are allowed three thousand dollars; and yet, after the increase of the compensation of all the officers of Government, and of many, by adding to their compensation a sum equal to the whole compensation allowed by the bill to members of Congress; and after permitting our own compensation to remain at six dollars per day, more than a quarter of a century, we are charged by demagogues with raising our own compensations and leaving the officers of Government neglected: and the party printers, from one end of the United States to the other, have been engaged in fanning the unhallowed flame, to destroy the fair fame of patriots, I will not say worn out, though grown gray in the public service; who had just before, by their exertions, brought an honorable war to a glorious conclusion, and thereby obtained for this nation imperishable laurels. Sir, it will be recollected, that, twice during the war, a proposition was made, to increase our compensation which was twice rejected, and I perfectly recollect myself remarking, "that while our citizens 'were engaged in the tented field, in the defence 'of our common country, we ought to be content 'to fill our less arduous legislative functions, for 'the compensation then allowed, but, as soon as 'peace was established, I should most cordially 'concur in its increase." Sir, I last session expressed my preference of raising the compensation, by an increase of the per diem, though I am satisfied there do not exist any solid objections to the system, modified as it was by the bill.

Mr. Jefferson, that distinguished statesman, in his Notes on Virginia, advised their convention to adopt such a system, for their judiciary and Council; and I satisfied my constituents, that as to the judiciary, it would improve our judicial mode of compensation, if it was not a preferable mode of paying the members of Congress. They admitted that a member of Congress ought to have as much as a judge per day, at least; as the judge's duties were more at home, whereby they could better attend to their domestic concerns, and were not subject to half the expenses of members of Congress. I stated to them the vast number of cases of claims against the United States, which could not be sued; which Congress had judicially to decide on; and the vast amount of these claims, exceeding in value all the controverted cases, before all the judges of Maryland; and I presented to them the last report made to the Legislature of Maryland, showing the number of days each of the judges of Maryland had attended that year, giving in no case less than twenty-five dollars per day; and I pointed their attention particularly to the compensation which one of their judges had received, amounting to seventy dollars per day—who, on the 4th of July last, had the temerity to drink the toast, "The Fourteenth Congress—

Charity begins at home"—which, I understood, he had a hand in making too—and I informed them that the district judge of Maryland, who drank and aided in making the said toast, had, I had no doubt, never received less than twenty-five dollars per day, which I had endeavored in vain to ascertain, by a letter to the clerk of the district court. I showed them also, by the same report, that a judge in Baltimore had received at the rate of $140 per day for his attendance the same year. I remarked to the people, that if a juryman was absent one day, he lost his per diem, and that, peradventure, the very judge who had been absent a week, receiving his compensation as fully as if he had attended, had to perform the extraordinary task of fining that juryman for his day's absence. I remarked, that I represented thirty-five thousand people, who, if they were taxed, directly, to pay my compensation, would not be compelled to pay four cents and a half per head—a sum not equal to the price of half a gill of whiskey—and that I never could believe that such a petty sum could ever induce one man to discard me, who had never been charged with a bad vote since I have been honored with a seat in Congress; and I well know how much they appreciated my late conduct in opposing the specie payment bill, which had saved this nation from the most intolerable oppression, if not from a civil war. And I can assure you, gentlemen, that my remarks, which had a double aspect, had the desired effect. Thus, sir, we trace the clamors against the compensation bill to the union of such toast-makers with the Knights of the Lampblack, who ascended the whirlwind to direct the storm, and who, to gratify their political partisans, each charged the opposite party with the passage of the bill, and thereby got us between two fires. Such a scene was acted near the Delaware line. On one side it was charged on the Republicans, and, on the other, on the Federalists; and this is what is called the evidence of the popular opinion. Sir, the liberty of the press is all-important to the preservation of the liberties of the people, but its licentiousness is baneful to their happiness and dangerous to their liberties. And while I execrate the wretch who can pollute his press by the envenomed shafts of slander from behind his masked battery, aiming their deadly poison at the fair fame of the most distinguished patriots of America, I am bound in justice to admire those printers who adopt the maxim—*ne quid falsi, dicere audeat, ne quid veri non audeat*—and hail him as my compatriot, devoted to the preservation of the liberties of his country. Sir, we have been just now told by the honorable gentleman from Kentucky, (Mr. DESHA,) in the language of warning, what are the sentiments of the people of Kentucky, and how all-important it is to repeal the law; that they were not satisfied even with him, although he voted against the law, because he received the money. That gentleman just informed me that when he left home corn was twenty cents a bushel, and one of the officers of this House informed me when I arrived here that Indian meal was three dollars a bushel; so that really a Kentuckian was little qualified to judge of the compensation necessary to support a gentleman genteelly here, particularly if we could believe the story, which I always thought fabulous, as to the luxuriant growth of the articles of that country, although from high authority, "that a cane stuck down to mark the growth of a hill of corn, had been forgotten a few days, and had itself produced two nubbins!" And where chickens, pigs, and all kinds of poultry, are said to grow spontaneously. If that gentleman had been so kind as to have given us this warning at the passage of the bill, we might have avoided the political rock on which so many of the members have been shipwrecked, but unfortunately for us, upon that occasion, that gentleman, and most of the gentlemen in the opposition to the bill, observed the most dignified silence, and, although they were defeated in their opposition to the bill, they appeared to me to bear their defeat like philosophers. He tells us that the honor of being a member of Congress ought to be considered as a part of the compensation; and that the people have instructed us, by a general expression of their disapprobation of the bill, and that they ought to be obeyed. Sir, that the honor of a seat on this floor is a strong inducement, I readily admit, but that it ought to be considered as a part of the compensation, I cannot believe, particularly when I reflect that a dish of that article, however elegantly dressed, even by a French cook, would make but lean diet.

Sir, I am constrained to remark, in reply to gentlemen, on this subject, who are reprobating the measure, and thus inculpating themselves—for they all took the money, except one, notwithstanding my advice at the time of the passage of the bill, when I proposed that a clause should be inserted to amend the bill so as to excuse honorable gentlemen from receiving the increase of the compensatian, lest they might be subjected to the unkind remark, "that the receiver was as bad as the thief"—and who, after receiving the money, condemn the measure: *Mala avis suo quæ cacat in nido.* It is an ill bird that defiles its own nest. I have now shown you the principles upon which I advocated the bill, as it related to compensation of the members. I must now beg your attention to the great considerations of State, which, in a political point of view, ought and will have their influence. Our Government is composed of three branches, the Legislative, the Executive, and the Judiciary. These branches are co-ordinate, and ought to be independent of each other. The compensation which they receive is directed in the same terms by the Constitution, and ought to be a compensation suited alike to the remuneration of all the departments, so as not to leave either under the influence of the other, and thereby endanger their respective independence. The Legislature holds the first rank, and is the body assigned by the Constitution to investigate the conduct of the Executive and the Judiciary, in the discharge of their executive and judicial functions. The House of Representatives is the

grand inquest of the nation to investigate the offences of the officers of Government, and, by impeachment, present their corrupt violations of the law and the Constitution, which the Senate are directed to try; hence the necessity that the people should possess such a patronage as would bind the Representatives to them, and secure the honest discharge of these important duties. The President possesses such a patronage as, in corrupt hands, with a corruptible Legislature, might endanger the liberties of the people, and ought to be guarded against by a retroactive patronage of the people; that in the ratio the compensation of the Legislature is extended, in the same ratio the patronage of the people is increased, and the liberties of the people secured. The appointment of their Representatives is the act of the people, and the compensation to their Representatives the only patronage the people possess.

Sir, in the investigation of the conduct of the President, by impeachment, with his immense patronage, by members so poorly paid, what might not be the case, in corrupt times, with a corrupt President, when the corruption of one more than one third of the Senate, if the House of Representatives should be found incorruptible, would defeat all the salutary provisions of the Constitution, and endanger the liberties of the people! But, sir, it is worthy our consideration, what may not be legislatively effected, when we see the President of this widely extended empire, possessed of a greater patronage than any potentate in Europe, and when we cast our eyes across the Atlantic, and see a nation whose Government was once the boasted palladium of English liberties, and which was as well calculated as a kingly government could be to secure them, if executed agreeably to the letter and spirit of the instrument, but by borough elections, and the patronage of the Crown, that constitution has been declared, by Englishmen themselves, to have lost all its value in the preservation of their liberties. There, sir, we see the Minister always enabled to lead a majority, by the power of the Crown, to appoint the members of Parliament (who receive no compensation as members) to office, to be held during the pleasure of the Crown, and who are thereby as easily led by the Minister, as a herdsman would lead his pigs with a basket of corn. And here, although a member of Congress cannot hold an office while he is a member, his friend, by his influence, might, and even to the member's own benefit; or he himself might be appointed to office, and, on resigning his seat, might hold the same. This bill, sir, securing the small patronage of fifteen hundred dollars per year, and with it the devotion of the Representative to the people, is now proposed to be repealed, as being obnoxious to the people, and we are told by an honorable gentleman from Pennsylvania, that the people from the mountains of that State have instructed him. I am satisfied of that fact; but I have no doubt their instructions have been predicated upon the misrepresentation of the meaning of the law, from the false clamors in circulation by the typographical gentry, who have made them believe that the fifteen hundred dollars was to be paid, even if the members never attended a single day; and I much doubt whether they ever saw the law, or whether, if they had, they could understand it, unless it was translated into Dutch. As to my own district, I am satisfied they wish their Representative to receive the full value of the six dollars, at the time it was originally fixed. My successor approved of such an increase, and his Federal competitor was the only man I ever heard publicly declare, in that district, that six dollars was enough, but his declaration had not there its intended effect. Sir, I am so well satisfied that the people do not wish to pay their Representatives less than was fixed by the Congress of 1789, that they never were dissatisfied with that sum, and that they are too just to hold their Representative to a nominal sum, in discharge of a real one, that all that is necessary to their giving a just judgment, is to be perfectly in possession of the evidence, of which this discussion will possess them; and I am satisfied that any opinion the people may be presumed to have given, has been produced by false clamor, and misrepresentation. I therefore propose an appeal from the opinion of the sovereign people, irritated and misinformed, to the same people correctly informed and in good temper. We have heard of the appeal from King Philip asleep to King Philip awake, and therefore we have a sovereign precedent for it. Sir, I am satisfied of the issue of this appeal, and that it would be a libel upon the people, to charge them with a disposition to pay their members of Congress less than the real value of the compensation, at the time it was fixed. And I would ask my honorable colleague from Baltimore, whom I understand stands *quasi* instructed to repeal the law, whether every necessity of life, compared with the like articles in 1789, do not bear two or three prices, and whether he would not regard it as a libel on his constituents, if they were charged with compelling their neighbors to take for any article they had for sale the same nominal price it bore in 1789. And I call on my highly respected friend from Virginia (Mr. BARBOUR) to say, if he was called on to decide such a question, between two neighbors, whether he could without a violation of his honor and his conscience decide that six dollars now should be received for an article worth six dollars in 1789, which would now command two or three times that sum, and whether he will deny, to his compeers, on this floor, that measure of justice he would blush to deny to a neighbor? I entreat honorable gentlemen to dismount from their popular hobby horses, on which they have rode into this House, and let go the reins, and take hold of the reins of reason, and do justice to themselves, and to the House. Sir, if I have discovered too much ardor in the discussion of this subject, I shall rely on the Roman apology for my excuse—"*Juvenile vitium, regere non posse impetum.*" It is the fault of youth, that it cannot govern its own violence. Sir, after thanking you, and the House for their polite attention and urbanity, I will conclude, by remarking, that I am as much devoted to the peo-

ple as any man ought to be. I always bow with submission to their will—I informed my constituents, whatever instructions they gave me I would obey, or resign my seat—I have no instructions—I therefore shall be gratified that this subject should be postponed to the next session, in which I have no interest; when the members of Congress will come to this House from the bosom of their country, and from every part of it, correctly informed, of the will of the people, which, in a Republican Government, ought to be regarded as the supreme law.

Mr. FLETCHER, of Kentucky, said he was in favor of repealing the act of the last session of Congress, changing the mode of compensation to the members of Congress. The people consider the mode as well as the amount objectionable, and that was a sufficient inducement for him to vote for its repeal. We have heard, said Mr. F., that the voice of the people was not to be regarded on this occasion; but I hold myself responsible to my constituents, and, knowing their wishes, I feel bound, by every moral as well as every political tie, to carry that will into effect. The right of the people to instruct their Representatives, is one that I hold as sacred as any other principle in this Government; the people will be obeyed. On ordinary occasions they do not interfere in the legislation of the country—leaving their Representatives to act from their best judgment, because they are a liberal and a patriotic people; but, when they do interfere and speak, their voice should be obeyed;—others may act so independent as to disobey the voice of their constituents—he should take a pleasure in a different course. With some exciting causes not necessary to be detailed, it was not remarkable that the people should be dissatisfied with the law. It was known that the debt of the Revolution, and of the late war, amounted to upwards of one hundred millions of dollars, and that it was good policy to pay it off as soon as possible, without oppression to the people. Economy was therefore an object of importance, and every measure calculated to take money from the Treasury, and particularly to pay the members of Congress, naturally excited jealousy and suspicion; and I do not believe that any member will differ from me in the necessity of all reasonable and practicable retrenchment in our expenditures, until the people can see their burdens lightened, and then we may rely upon the good sense of the people for any measure that the good of the nation may require, although it may cause the expenditure of money; for, let it be recollected, that the people in every part of the Western country, and indeed throughout the nation, paid the taxes to carry on the late war with Great Britain, with alacrity and without complaint or murmur, because they considered them necessary to support a just and necessary war, declared and prosecuted to vindicate the rights and honor of the nation. The people of the United States love their liberty much more than they love their money, and indeed would part with the last drop of their blood, and mingle it with the soil of liberty in supporting the independence of the nation, rather than see it possessed by a haughty, tyrannical, and malignant foe. Members in whom I have confidence, who have served their country long and faithfully, and whose patriotism no one can doubt, say the compensation of one thousand five hundred dollars is not too much. A member who has not had experience, cannot so well judge in this case; but I can inform these gentlemen, that the time was considered unfortunate, and although members may not get as much as they might make at other employments, yet it is a high and respectable station. We should make the sacrifice until our constituents are willing to give us additional compensation, and, if they never agree to it, I for one will never ask it. I am willing to serve them with a compensation they are willing to give; and, although it is supposed that six dollars will not bring to Congress the first-rate talents of the country, we see that many more wish to come than the people are willing to elect. And if any individual thinks that six dollars a day is not a sufficient compensation, there is no compulsion on him to offer; the people must seek some other character; and although we should receive a sufficient amount to indemnify for expenses, no member should calculate upon making large sums of money. My constituents urged many reasons why this measure was ill-timed; our taxes had been very much increased; although lessened at the last season, and some repealed, still they were called upon at this time for the heavy taxes of the preceding year; they were willing to pay them as the exigency of the times required them; but they were alarmed at other burdens, and it is well known, that internal taxes have never been favorites with the Republican party, and I hope never will. The mode of collecting them, is always inconvenient and oppressive. Sometimes the internal tax gatherers (and excise men, as they are called) are unfeeling and harsh, and they never have been nor ever will be favorites with the people, nor share in their affections and confidence. Such is the happy form of our Government, that the people will investigate, and think for themselves, and withdraw confidence from such of their public servants as may attempt to lay the foundation for oppression and self-argrandizement; this is one of the great securities against slavery and despotism; a principle not acted upon in any other part of the world. One other circumstance had a tendency to raise the opposition of the people; it was said, that it was easy for Congress to give themselves money, whilst the poor wounded soldier might starve for want of his small pittance—the soldier who had waded swamps, and had to eat roots for his rations, while fighting the battles of the country; and it is obvious to us all, that some of these soldiers go a begging along the streets. Although this cannot be properly charged upon Congress, as, to the honor of the nation, the last session was liberal to their soldiers in making provision, yet the contrast was drawn between men in power, and the widow and orphan, who had lost their stay and comfort in the service of the United States; and

although Congress has done much for those distressed individuals, I hope to see them do more, until the sources of their sorrow shall be dried up. While I am on this part of the subject, I cannot omit to mention, that I regret to see such difficulties in the administration of the law, after it has passed. After the most conclusive proof is taken—sufficient, as I would suppose, to satisfy any man or set of men—the officers and clerks in some of the Departments make so many technical objections, that it is almost impossible for a common man or applicant to know what to do, so as to comply with these arbitrary rules, and, when he has his proof complete, he is often delayed by your office hours, and a few days dancing attendance will spend the amount of his claim. On this subject I speak from experience, as I have had to attend some of the Departments on the business of my constituents and others, since the commencement of the present session.

But, in voting compensation to members of Congress, none of these difficulties exist, no such technical objections are started, no office hours are heard of, no defect in the certificate or proof—all is smooth and quiet.

I shall therefore vote to repeal the law of the last session, and vote to fill the blank with six dollars, the old compensation; and in doing this, I vote the will of a majority of my constituents, and they have a right to say what they are willing to give, and I am bound to take that sum, and no more. It is my opinion, that I not only vote the will of my constituents, but of a large majority of the United States, and when my constituents wish me to vote in a certain way, I will do it, or resign my seat, and let them elect a man that will. I derive all my power from the people, and they have elected me, because they have confidence in me; and if I betray that confidence, I should be unworthy of them.

The honorable gentleman from Maryland (Mr. WRIGHT) tells you he lives here at the rate of six dollars a day. I will not deny that the expenses of this place are very great, but, instead of six dollars per day, the gentleman may spend twenty dollars per day, and certainly this would not justify a vote to support such extravagance out of the public funds.

Rather than vote for a greater sum than six dollars per day, in opposition to the wishes of my constituents, I would prefer serving for nothing during the session; although the members may refuse to obey the will of their constituents, and call it buzz or clamor; but this doctrine will only do in Monarchies, or aristocratical Governments, where the people are not considered as the fountain of power and authority; but here it is otherwise, and the people will maintain their rights; let any man inform the people that he will not obey their voice, and see if such a man be elected to a place of honor and confidence.

Unused to this theatre, I was unwilling to trouble the Committee on this subject; but I considered it my duty to express my sentiments upon a subject which had excited so much animadversion, and upon which I consider a majority of my constituents to have expressed their opinions.

I must return my thanks for the indulgence of the Committee before I conclude, and express a fear of having trespassed upon the patience and time of the House.

Mr. HARDIN said, he had been on the strong side of the question at the last session, having voted in favor of the act now proposed to be repealed; and he believed he should be on the strong side also at the present session, being one of those who intended to vote for the repeal of that law. To show his motives for so doing, he said he should offer a few observations, lest he should be branded with the imputation of that kind of political prudence which appeared to characterize the present day, and which always selected the strongest side. He was sorry to hear it said to-day that this subject was rather a mirthful one than otherwise. For his part, Mr. H. said, from the time he had voted for the law at the last session, he had never felt very merry on the subject. He had felt it a misfortune that he, in obeying the dictates of his own judgment, had been one of those who had incurred the displeasure of the American people, and felt the necessity of humbling himself to obey their will. There was also another reason why he thought the passage of that law by Congress unfortunate; because it had afforded to demagogues throughout the nation an opportunity to ride into every office in the Government; because he was afraid the great hostility shown to that act would introduce a four-pence-half-penny mode of doing business. On that score, Mr. H. said, he did not feel very merry, though he certainly was given to pleasantry sometimes—perhaps not so much so, however, as the gentleman before him, (Mr. ROSS,) who could even be merry on misfortune.

Mr. H. said he was sorry that any unpleasant feeling had been excited, that any acrimony had arisen in the House. He was fully persuaded that those who voted for or against the bill at the last year, had equally acted from honorable motives. After it had passed, would it not have been a mere affectation of delicacy for those who voted against the law to have refused to take the money? If they had done so, Mr. H said, he should not have thought they were sincere. He had never certainly viewed the conduct of gentlemen who voted against the bill, yet took the money, as at all censurable. But there was one remark he could not help making, which he hoped no gentleman would take to himself, that when the obnoxious measure was in agitation last year, those opposed to it were as silent as possible; the grave is not more silent than were they. The bill had not many enemies, and was openly opposed by very few. Mr. H. said he had heard on the question for the engrossment of that bill for a third reading but few nays, and when the yeas and nays were required on that question, but 15 supported the call. What was the inference? That few, if any, more than those 15 were opposed to that bill. On the next day,

when the yeas and nays were called, there were 67 to 69 opposed to the passage of the bill! Now, if there was any gentleman in this House—he did not say there was, he hoped there was not one—who secretly wished that bill to pass, though he voted against it, he deserved censure. He did not know of any such gentleman, and he repeated, he hoped there was none; but he could not help wishing that much the same zeal had been manifested in opposing this bill at the last session, as in condemning it now, and perhaps he and others would not have had to pay the forfeit they had incurred. My time of trial, said Mr. H., is over; I honorably declined a re-election, because, I beg you to understand, I could not have been elected without going the rounds, and begging pardon for what I do not consider to have been incorrect. * * * * * * * * * He could not consent, he said, to go about begging the people to give him a seat in this House.

He said he had never considered fifteen hundred dollars for the yearly services of a member of Congress as a *quid pro quo*. The men of talents of our country, Mr. H. said, were generally from twenty-five to forty years of age; new men, born to inherit no fortune; men who have worked their way in society, by dint of their own talents and exertions. How could any such man occupy a seat here, unless he received not only enough to defray his expenses, and enable him to live as a gentleman should, but enough also to support his family at home, without breaking in upon that small capital he had laid up? Many men, it was true, came here, screwed themselves up in holes like penitentiary cells, and, on six dollars a day, saved more whilst here than they could make anywhere else. But men of talents, who come here for a flyer, for two or four years, cannot support themselves on it as they have been used to live at home. As to the idea of patriotism being a sufficient motive to come here, it was absurd. Patriotism is that which urges a man to serve his country without expectation of personal benefit or reward. But, Mr. H. asked, did the gentleman from Kentucky believe that there was a single man who ever came to Congress, who did not come without some other motive than that for the gratification of his own vanity, to have his ears tingle with the ring of greatness, or for the advancement of his own interest? Such language as that of the gentleman, who considered patriotism the leading and sufficient motive for bringing men here, sounds handsomely, cuts a good figure here or in a newspaper, but there is not much substance in it. No, Mr. H. said, it was not patriotism that would bring men of talents here, to the great prejudice of their private interests. He agreed with gentlemen that this House ought not to be the mere stepping stone to Executive offices; not a theatre on which a man should show his eloquence for a day or two, and then go off in a lucrative embassy to Europe, or elsewhere. A seat in this House, he said, was in theory, and ought to be in practice, the most honorable of any station in the Government, for it is held at the will of the people, and not of the President. Mr. H. did not go further into the reasons which had induced him at the last session to vote for the compensation law, since the subject had been fully illustrated in the report of the select committee, on every topic but that to which he had referred, respecting the class of the people among whom the talents of the country were to be found.

Mr. H. then proceeded to assign briefly the reasons which influenced his vote to repeal the law of the last session. He did not, he said, allow to the right of instruction that latitude for which some gentlemen contended; but the will, not only of his constituents, but of the whole people of the United States, he thought himself bound, in the present case, to comply with. He agreed, whether this will was made known in the form of regular instruction, or in any other way or shape, it was equally obligatory. He could not agree with the gentleman from Virginia that a Representative is, from the term of his office, bound to obey the will of his constituents. A member of this House, Mr. H. said, was to represent the particular interests of the people who send him to Congress, whenever those interests are in question. Having done that, he is to assume the more expanded and important character of a legislator for the nation, and consult the general good. All general laws ought to be acted on with a view to that which produces the most general good. Am I, said Mr. H., to vote for a law to sacrifice the interests of the whole nation, because it will benefit my immediate constituents? No; I represent my constituents on particular topics, and on general questions consider what the general good requires. Every member of this House is the Representative of his constituents; but he is at the same time a legislator for the nation. I do most solemnly protest, said he, against legislative instructions—I detest them more than Adam did the serpent. They are the greatest bane that ever crept into a well-regulated Government. It is an encroachment by the States, in their corporate capacity, on the rights of this House. The members of this House, with the Senators, Mr. H. said, made laws to operate on the people, not on the States in their sovereign capacity; and the States, therefore, had nothing to do with instructions. These had originated, he said, he had no doubt, in a wish to screen some favorite man here who had been doubtful whether his acts were popular or not, from all responsibility therefor to the people. But the people throughout the American continent seemed to have expressed their decided disapprobation of the law now proposed to be repealed. Hence, in retracing his steps, he should not only follow the will of his constituents, but the voice of the American people. For, he said, if the will of the American people was contrary to that of his constituents, he should obey that will, believing it his duty to legislate for the nation.

Mr. H. said, he could not agree with his colleague, (Mr. CLAY,) that the people were dissatisfied with the manner, and not with the matter, of

the act of last session, though such might be sometimes the case in the gentleman's district. In regard to this law, when, in my district, I met with a sensible man, I conversed with him sensibly; when I was accosted by a furious demagogue, I gave him as good as he sent; and, when I came across a fool, I laughed at him. I would ask the Speaker (Mr. CLAY) one question. Does he believe that his constituents, any more than mine, would have objected to the manner, if we had fixed our annual compensation at five hundred dollars? Not a man in my district would have taken exception to such a change in the mode of compensation, unless he wished to come here in my place. Mr. H. said, he did not believe the present compensation too high, but he must conform to the views of the people who, he had no doubt, wished to see the compensation reinstated in the situation in which it stood before the law passed.

Mr. H. said, he felt some little anxiety that this course should be taken; not only because it was the will of the people, but because it would take a powerful tool from the hands of political demagogues. The persecuting spirit had been carried by them to great lengths, in regard to this act; so far, as his colleague (Mr. JOHNSON) had informed the House, that a man in Kentucky had refused to let a young man court his daughter, unless he would forswear the compensation law. I never heard of this fact before, but do not doubt but the honorable gentleman either knows the fact practically, or has heard of it. If practically, the old gentleman stood very much in his own light, for I do not know how he could have suited his daughter better than by promoting instead of preventing the match. But, all through the State of Kentucky, the same spirit prevailed. If a man came into the county court to be appointed a constable or a surveyor of the road, he entered his solemn protest against the compensation law. If a petty demagogue wanted to get into the Legislature, he must post up or put in the newspapers his protest against it. To deprive such knaves and rascals of any pretence under that act, Mr. H. said, he would repeal it. Why, some of the new fry that are coming into Congress, he had heard, had declared that they would vote for the repeal of the act; and, if it was not effected, would reserve all their pay over six dollars per day, and at the end of each session lay it out in churches and meeting-houses!

It had been said, that money had resumed its former value. Not at all, he said; though he hoped Congress would restore something like life to the circulating medium before they parted hence. Another argument used in favor of the repeal, was by a gentleman who, having voted to increase his own compensation, could not resist the exorbitant demands of others for an increase of their pay. That consideration, he said, did not affect him. If it was proper, he would cheerfully increase the compensation of any public officer; if not, he would as cheerfully vote against it.

The gentleman from Maryland, (Mr. WRIGHT,) who had surely spoken in his best manner, and done justice to this subject, asked what should be done with the next fry—so Mr. H. said, he called them—he knew no better name for them—with the next fry that came into this House. They rode into this House on the law of the last session, avarice in their hearts, and patriotism in their mouths! Their patriotism told them they did not want the money, but their avarice told them they did. And for them, he said, let them take the six dollars per day, or the responsibility of raising it. I am willing to leave no law in existence regulating the pay, and to let the next members fix their own compensation.

There was one more reason he assigned which had induced him to conform to the wishes of the people, and vote for the repeal of the law of the last session. This House, he said, was the only branch of the Government which seemed to have any analogy to the people; the only one which formed any counterpoise to the weight of the Executive and other branches; the only barrier against encroachments on the rights of the people or of the States. It was impossible for this House so to act as to retain the confidence of the people, unless they obeyed the general will, and show a willingness to respect it. But, gentlemen had said, the alleged expressions of public opinion were mere newspaper slang, the work of newspaper editors, &c. But, said Mr. H., he believed that was not the fact. He did most solemnly believe that it was the public sentiment. It might have been originally the work of demagogues, whose breath had raised one wave, which had produced another, until a storm had covered all the popular ocean. But, he said, he had no right to reason on the motives or causes of the excitement. A man has no right, when the people are unanimous, to conclude that they are mistaken; he must either comply with their will, or resign. For his part, he would not, knowingly, misrepresent the will of his constituents on this floor.

Mr. H. said, he did not agree with the gentleman from Virginia, (Mr. RANDOLPH,) for whom he had always a very high respect, who said that he knew not how gentlemen could vote for the repeal of the law without refunding what they had received under the law. Mr. H. said, he had revolved this subject in his mind, and saw no difficulty in it. He had voted for the law, because he believed it correct; he should vote to repeal it, not because he believed he had done wrong, but because of an anxiety to conform to public sentiment, particularly on a matter between a member and his constituents. But he would not consent to acknowledge that he had cheated the people out of their money, as he should do by voting to refund it. There was nothing dishonorable in keeping it. Besides, the power of Congress did not enable them to enforce such a law, if they passed it. Was it possible for them to pass a valid law taking away from an individual money earned under a contract between him and the Government? Could they pass a law to take away from the judges of the Supreme Court the

salaries which they have received for years past? No; a salary may be destroyed prospectively, but you cannot take away from a man what he has earned; you cannot deprive a man by law of a vested right.

Mr. CONNER said that he should trouble the Committee, with but a very few remarks on this subject. He should have gone more at length, had not the reasons for raising the compensation been so fully and ably detailed in the report of the honorable committee to whom that subject had been referred, and which had gone forth to the nation, as to make it unnecessary for him to add one word in justification of the vote last Winter. He fully concurred in the reasoning and conclusions of that report; his opinions remained unchanged. But his constituents and he believed those of no district were more highminded or liberal, were dissatisfied with the measure; some, as it regarded the mode, others the amount: a considerable portion of which dissatisfaction, he believed, however, had proceeded from unnatural excitement and distorted representations. But the fact existed; and he should vote for the repeal of the law in compliance with their wishes. He should wish that this law might be repealed immediately; that the pay might be reduced to the original sum; that all laws on the compensation might be repealed after the 4th of March; and that our successors, who might come more fully charged with the views of the people on this subject, might fix their compensation. Perhaps, then, the people might extend their liberality, or perhaps those who are, as the gentleman from Virginia says, bidding at the auction of popularity, may reduce even the per diem of six dollars. Let it take its course. He had received a request from the Massachusetts Legislature, which he should not regard. He should receive instructions only from his constituents. Those members of the Legislature, who were inhabitants of his district, had a right to request him; the others he knew not, in any relation whatever to his public capacity. The honorable gentleman from Virginia had mentioned, that a similar resolution was offered to the Virginia Legislature; but it was ordered to lie on the table, and there it had lain ever since, nailed, like bad money, to the board; that from Massachusetts had unfortunately obtained a currency. One word as to the duty of a Representative, in relation to the wishes of his constituents. He knew that it had been contended, that the right of instruction does not exist with the people; that we stand here as isolated beings, to carry out the destiny of the country, without looking one moment to the source from which we derive our power. Sir, no one is a more fervent votary to the Deity Independence, "Lord of the Lion Heart and Eagle Eye," than I am; but there is too much independence in this doctrine for a popular Government, nor was it ever practised, or ever can be, on this floor. How stands the fact? What is the experience on this subject? Where do you find a Representative from a manufacturing district that is not a loud advocate for domestic manufactures; from a commercial district, whose thoughts are not on "the mountain wave," and amidst the very scene of quays and insurance offices; one who has been in the army, who does not think of "guns, and drums, and wounds, God save the mark?"—a Delegate from a Territory, who is not busily engaged in manufacturing new States? He knew of one worthy gentleman, a Delegate, who, he believed, would be very willing to fabricate his Territory into one State; but was now very industriously engaged in carving it into two; assisted, as he understood, by a Minister Extraordinary and Plenipotentiary, who, if the allegations that had been heard against him on that floor (of which he knew nothing however) were true, would certainly not be for having the word Sunday, either in the Constitution or the laws.

He would put a case: Suppose that we, the Representatives, think it just and proper to declare war against a formidable Power—Great Britain for instance; but the people think no such thing; they believe they have sustained "no essential injury;" they feel no resentment, nor have they any disposition whatever to encounter the perils and privations of such an arduous contest. I ask you, dare you declare war under such circumstances; a contest which would exhibit the remarkable phenomenon of the Government at war, and the people at peace? No, sir, they would wage a civil war against their Representatives—they would take off our heads. The spontaneous answer of every member would be, I believe, we dare not venture upon it. Here, then, you surrender your judgment to the wishes of the people. This doctrine of independence of the people was derived from Great Britain, from whence we derive a great many things. He well recollected it was strongly advocated by Mr. Burke; a man, indeed, of transcendent talents, of prodigious knowledge, of brilliant fancy, but a pensioner of the British Crown. It may also have been advocated by the Great Commoner, once so called, afterwards Lord Chatham—but he also became a pensioner. Mr. C. said, he spoke not this in disparagement of those great characters; certainly nothing that he could say, could disparage them. They would go down the stream of time to the latest posterity as illustrious men. It resulted from the nature of the British Government, where the throne and not the people make the House of Commons. He recollected to have recently seen in a British print, that it cost Government £12,000, something more than $50,000, to get Mr. Canning elected to Parliament.

It is not then from such a source, said Mr. C., that we are to derive principles as applicable to our form of Government; as long as the popular form of Government exists (and God grant it may always) the people will govern, and we will and must submit. As to the proposition of the gentleman from Virginia, to pay back to the Treasury the pittance, the excess over six dollars, which he had drawn from it, he never had seen any one in his district or anywhere else advo-

cate a measure which would be a confession of crime, followed by an act of meanness.

Mr. Hall, of Georgia, said, he had at the last session of Congress voted against the compensation law, and would not for any consideration have voted otherwise. His main reason for the vote was, that the war debt was yet unpaid. He should not vote to fix the daily pay at eight dollars, because he believed, that in so doing, he was pursuing the principles of the Congress of 1789, of the men of Revolutionary principles, who did not act without good reasons. So far from believing that to follow their example would lead to anything like aristocracy, would to God, said Mr. H., that we would pursue their course in other matters as well as this. He would vote, he said, for a sum which should be now equal in value to what six dollars then was. The finances of the Government, when six dollars was established as the pay, were low; the Government was not able to meet its expenditures; it could scarcely pay off the interest of the national debt—and would gentlemen now, greatly changed as the circumstances of the nation are, virtually reduce the pay then established, by making it the same nominal amount as was then allowed? Would gentlemen permit public clamor to produce a national evil? For it would be, to fix a compensation for the members of this House at a rate below that on which they could live. Mr. H. said, he was extremely sorry to see any excitement on this occasion; for it was one on which the House ought not to be excited. If persons had treated the matter improperly out of doors, it was no reason why gentlemen should act improperly within doors. He did not know, he said, that eight dollars now were equal in value to six in 1798, but he hoped the state of the currency would improve; and, if money became more valuable, eight dollars would be about a fair compensation.

Mr. W. P. Maclay, of Pennsylvania, said, as this question had already been very fully discussed, he should trouble the Committee with but a very few remarks on it. It must be obvious, said he, to every member of this Committee, that, in fixing our compensation, we are exercising a very high and delicate trust. It is not analogous to any other duty which we are called upon to perform. When we fix the compensation of the Heads of Departments, or of the Judges, or of the officers of the Army, or Navy, it is one set of men fixing the compensation of another set; but, when the Legislature fixes its own compensation, it does an act which appears to be an exception to the general course of proceeding in the Government. The Constitution, from the necessity of the case, and not from its reason or propriety, has placed this power in our hands, and we must exercise it if we are to receive any compensation at all. But in the exercise of this power, I agree entirely with the sentiments first expressed yesterday by the Speaker, and since concurred in by several other members, that in this case, above all others, we ought to consult the opinions and wishes of our constituents. If these observations are well founded, the course which I have to pursue, is a very plain one. My constituents, I believe, are generally in favor of the old compensation. In this respect, my situation is somewhat different from that of the other members of this House. A respectable portion of the people I represent, have petitioned Congress against the law of the last session. That petition is the only one that has been presented to this House on the subject. It is true, it has been said in debate that the persons who sent that petition did not understand the law; but as it has not been shown why or wherefore they did not understand it, I presume I am still at liberty to believe that they did. Believing, then, that my constituents are in favor of Congress returning to the old compensation of six dollars per day, I shall vote the filling the blank with that sum.

The question was put on filling the blank (for the future daily compensation of the members) with nine dollars, and negatived.

The question was taken on filling the blank with eight dollars, and negatived, as follows: For the motion 60, against 98.

The question was then taken on filling the blank with six dollars (the old compensation) and decided in the affirmative, by the following vote: For the motion 84, against it 74.

So it was determined by the Committee (subject to the revision of the House) that the compensation be reduced to its old rate of six dollars per day.

Some other amendments were proposed, adopted, or rejected.

A motion was then made to amend the bill by striking out the whole bill, and inserting in lieu thereof, two sections, the one absolutely and simply repealing the compensation law; the other requiring that there shall be deducted from the amount received by each member during the past and present sessions of Congress, all the amount over and above what he would have received under the old compensation of six dollars per day.

Before this question was decided, the Committee rose, reported progress, and obtained leave to sit again.

Thursday, January 16.

Mr. Lowndes, from the Committee of Ways and Means, reported a bill, supplementary to "An act providing for the relief of persons imprisoned for debts due the United States;" which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. Robertson, from the Committee on the Public Lands, reported a bill for the relief of Joseph Summers and John Allen; which was read twice, and committed.

A message from the Senate informed the House that the Senate have passed the bill from this House, entitled "An act for the relief of William Haslett," with an amendment. They have also passed bills of the following titles: "An act for the relief of William Edwards," and "An act

authorizing the sale of certain grounds belonging to the United States, in the City of Washington;" in which amendments and bills they ask the concurrence of this House.

The amendment to the bill for the relief of William Haslett was read, and concurred in by the House.

The bill from the Senate for the relief of William Edwards was read twice, and referred to the Committee on the Public Lands.

The bill from the Senate, "authorizing the sale of certain grounds belonging to the United States, in the City of Washington," was read twice, and referred to the Committee for the District of Columbia.

COMPENSATION LAW.

The House then again resolved itself into a Committee of the Whole, on the bill to repeal the act of the last session, fixing the compensation of the members of Congress; the substitute offered yesterday by Mr. RANDOLPH, first to repeal the act of the last session, and, secondly, to deduct from the pay of the members an amount equivalent to what they have received more than they would have been entitled to under the former pay of six dollars a day, being under consideration—

Mr. PARRIS, of Massachusetts, rose and observed, that he understood the Committee of the Whole House had agreed to fill the first blank in the bill under consideration, as reported by the select committee, with the sum of six dollars, and that by this bill, should it pass and become a law, members of Congress, instead of the sum allowed by the act of the last session, will be entitled to receive no greater rate of compensation than has been allowed to every Congress since the adoption of the Constitution. That having been disposed of, the subject under immediate consideration is the amendment offered by the honorable member from Virginia, (Mr. RANDOLPH.) By that amendment, it is proposed to deduct from the compensation to which members will be entitled the present session, a sum equal to the amount of the excess which they received the last, over the former daily pay; or, in other words, so to modify the law as that the pay of this Congress, either at the last or the present session, shall not exceed that of every former Congress. Sir, said Mr. P., it has been often asserted, in this debate, that public opinion does not require a repeal of the law of the last session; that the clamor which has been made relative to that law, has been merely the voice of faction, of newspaper editors, of noisy demagogues, of electioneering intrigue, and of those who were secretly rejoicing at the opportunity it afforded them of mounting the hobby-horse, and riding to our seats. It has been said, sir, that on this subject the most clamorous have uniformly been those who were most anxious for public preferment, and at the same time the least qualified; that, to attract public attention, to gain the feelings of the people, it had been only necessary for the demagogue to mount his hobby, denounce compensation, and cry out economy, without even a knowledge of the meaning of the former, or the worth of the latter. Sir, I cannot believe with honorable members who have made these assertions, that all this excitement has been artificial. For the honor of my country, for the character of the nation, I hope and still believe that there is sufficient of caution and of virtue in this people, to render them secure from all such attempts at excitement. So far as my knowledge has extended, in the State which I have the honor in part to represent in this House, there have been no such attempts. The people have been left to judge for themselves; they have inquired, they have examined, they have listened to arguments; they have formed their opinion with great deliberation, and have pronounced a verdict; nay, sir, have pronounced a solemn judgment, from which there can be no appeal. By that judgment, thus deliberately expressed, thus solemnly pronounced, I believe myself to be bound. Will honorable members doubt that our constituents call for a repeal of the law of the last session; that they have rendered this verdict; that they have pronounced this judgment? If so, permit me to refer them to the evidence—evidence which has been as conclusive to my mind as "proof from holy writ"—evidence which cannot be misunderstood, and which has, unfortunately, been brought home to the feelings of many a member of this House.

I take no pleasure in travelling through that evidence; it must bring to my recollection some of the most painful hours of my life; but, unpleasant as may be the task, it is my duty to add the information in my possession, in confirmation of what I believe to be public opinion; for, by public opinion, the policy and the expediency of this most unfortunate law must finally be tested. Although there may not have been so much of clamor in the State which I have the honor in part to represent, still, sir, there has been more of deliberation—of that kind of deliberation, too, which is neither likely to be rash in decision, or erroneous in result. And what is that result? Not that the passage of the law is evidence of corruption in those who gave it support; not that the members of this body have been so far forgetful of moral obligation as to have wilfully and intentionally legislated for their exclusive advantage, without reference to the public good. No, sir, they do not impute to us either want of integrity or impurity of motive; but while of those we are acquitted, we stand presented, I had almost said convicted, of indiscretion. Our clerks had scarcely carried the bill to the Senate, to solicit concurrence, before the alarm commenced. From private correspondence and public expression, I had the apprehensions which have since been confirmed, that the law we are now reviewing had better slumbered undisturbed on the table of the House. Nor has this dissatisfaction been confined merely to the limits of a single State in the East. What have been the indications in the West and the South? Sir, I well recollect the portentous storm that, during the last Summer, seemed to be gathering in the State so ably

represented in part by the honorable member who introduced this law. The sentiments expressed on every public occasion, and in every possible manner in that State, seemed loudly to condemn the passage, and call for a repeal of the measure; expressions which, to be sure, in too many instances indicated their sources to have been a heated head or a corrupt heart; expressions, which not unfrequently savored more of the clamorous demagogue than of the prudent, deliberate politician. In a neighboring State, members were arraigned at the tribunal of the people, and required, as public servants, to give an account of their stewardships; and, with as little justice as mercy, unheard and undefended, made equally the subject of violent declamation and intemperate resolves. Will it be said that all this affords no evidence of public sentiment or of public disapprobation? I then call your recollection to the many sumptuous and splendid entertainments given to the honorable member who was so preeminently conspicuous, at the last session, in opposing this measure. Further, sir, even the grand inquests for the presentment of criminal offences in one of the States—a State far removed from that which I have the honor in part to represent—a State of whose laws I am ignorant, and with whose policy, except in one memorable case, which will long be remembered with sorrow by many an honest but unfortunate family, I am unacquainted, feeling so sensibly impressed with the high duties of their station, and desirous, as perchance most people seem lately to have been, of having some concern in great national affairs, could not refrain from embodying their sentiments, and presenting them at the bar of the people. Such presentments, however respectable might have been the source from which they emanated, with whatever aggravations they may have stated the offence, could to be sure have little effect upon those against whom they were directed. Is all this nothing but the voice of faction, the effect of clamorous, designing demagogues? Will gentlemen say that this burst of disapprobation from Maine to Georgia, and from the Atlantic to the most remote settlements on the frontier, speaks nothing of the real sentiments of the people? No, sir, it does speak, and loudly, too, in a voice that cannot be misunderstood, in a manner that must and ought to be respected; respected, because it promulgates the will, and the deliberate will, of the sovereign and paramount authority of this country. No member in this House could be less disposed than myself to listen to the clamours of the restless, the ambitious, and the impatient for power. Excitements from these sources, raised by such artifice, as was stated a few days since, by the honorable member from Kentucky, (Mr. Johnson,) to have been made use of to alarm the fears, and mislead the judgment of the people in that State, will ever be allayed by reflection; and the ambitious demagogue, who on such hobbies mounts in the whirlwind and rides in the storm, will sometimes, as fortunately for the country as unfortunately for himself, be crushed in the tempest he had contributed to produce. I ought, said Mr. P., to mention one other proof of the deliberate opinion of the public—the sentiments of many of the States, as expressed by their Legislatures. On what subjects have the State Legislatures heretofore given instructions to their Senators, and made requests of their Representatives? On questions considered as of trivial consequence to the people? No; never, except in relation to questions of high importance in principle, and doubtful in policy. In such cases, the sentiments of State Legislatures have been frequently expressed to members of this House. The Legislature of Massachusetts, at a recent session, following the example, has by resolution requested the Representatives from that Commonwealth to use their influence to effect a repeal of the law now under discussion. I have gone thus far for the purpose of ascertaining what on this subject is the public opinion; and the result is to my mind perfectly satisfactory, that it not only solicits, but absolutely demands a repeal of the law. In what other way can public sentiment be collected, except from public expression? and I put it to those who deny that this is the deliberate sentiment of the people, to prove that it is not so. If in favor of the war, or any other prominent measure of this Government, there had been one-half the excitement with which the people have been almost convulsed during the last Summer on this subject, my word for it, no one would have doubted the opinion of the people. If, instead of calling upon us to repeal the law of the last session, the Legislatures of the several States had passed resolutions approbating its passage and sanctioning its principles, I doubt, if instead of being disposed to nail the resolutions to the counter as base and uncurrent coin, we should not have been more likely to have entered them on our journals.

With a copy of the resolutions passed under all the forms of legislation, in the State of Massachusetts, I have been furnished. To such a request, proceeding from a body entitled to respect, composed of men, many of whom I know to be of high-minded and honorable feelings, with some of whom I have been associated in times when a coincidence of sentiment and exertion could not fail to produce and confirm the strongest attachments—to such a request, I feel myself bound to give great consideration. I am not willing, as one of my honorable colleagues professes to be, to nail it to the counter as the merchant does his bad money, without further examination, because I suspect it contains nothing counterfeit; it may be a true bill; it may express what some seem so unwilling to believe, the wishes of the people. No, sir, I am disposed to give it further examination, and ascertain, if possible, whether it be counterfeit or whether it be genuine.

Chosen, as the members from that State are, by districts, representing more especially the interests and the sentiments of the thirty-five thousand immediate constituents by whom they are elected, the individual may sometimes be requested by the whole to sanction measures which his district would oppose. Situated as is the

State to which I have just alluded, it might frequently happen, it has frequently happened. In such a case, there could be no doubt. Instructions and requests, requiring a member to use his influence to effect measures which he conscientiously believed to be wrong, and which his immediate constituents believed to be wrong, ought not to be obeyed, ought not to be listened to; but, when those instructions and requests coincide with the wishes of his more immediate constituents, of those by whom he was elected, and for whom he acts, the course is plain; there remains but one alternative, compliance or resignation.

On great Constitutional questions, I hold it to be the duty of a Representative to receive instructions from no man or body of men; I mean those questions, wherein the Constitutional and chartered rights of the Government and the people are concerned. In forming a decision on such subjects, I am under an obligation paramount to all that man can impose. Having, in the presence of that Being who "will not hold him guiltless that taketh his name in vain," solemnly sworn to support the Constitution of the United States, my own judgment must be my guide. In discharging so much of the duties imposed by that obligation, as prevents its violation, it is not for man to dictate, but for the conscience and judgment to direct. If, unfortunately, the judgment be erroneous, the same instrument has prescribed the mode of correcting the error. Far different is the case in all questions of mere policy. From the people, we first derive the power of legislation; it is, or ought to be for their benefit, that we are clothed with that power; on them the laws we enact are to have effect, and to them we are accountable for the use of the trust they have reposed in us. On all the usual subjects of legislation, the people have a right to be heard; say what we may, they will be heard, and not only heard, but they will be obeyed. With them resides the sovereign power, with them the physical strength. If the law is so universally considered as objectionable, and the public expression of disapprobation is to have effect, what ought to be done? Adopt the amendments proposed by the honorable member from Virginia, (Mr. RANDOLPH.) Repeal the law of the last session, to take effect from the day when it passed; obliterate it from our statute book, and offer it a sacrifice to appease the indignation of this people; deduct from the amount of pay received by the members during the last and the present session, so much as the same shall have exceeded the former rate of compensation. If we move at all, I go to the extent; adopt some principle for our guide; either do nothing, or do all that is required. Why should we hesitate? there ought to be nothing of feeling on this subject, there most certainly should be nothing like reluctance. The passage of the law of the last session has never been attributed to corrupt motives; the members of this House, I trust, sir, are above even the suspicion of corruption. Shall we not incur that suspicion, if, having reduced the compensation to the former standard for the next Congress, we refuse to reduce it for ourselves? I will never accept, for myself, what I am not willing to allow to others for similar services; I will never retain what has given rise to the murmurs of the people. In making these observations, it should be understood that I am not under the influence of any instructions from my immediate constituents. As a member of the present Congress, I have received no instructions from them, either express or implied; neither am I under the influence of any pledge; but where is the member, who on this subject can be ignorant of the wishes of his constituents? The storm has beaten as severely on me as on any of my associates in this House, and if after having received the strong proof of the continued confidence of those whom I here represent, I could turn a deaf ear to their solicitations, it would be a species of the most palpable ingratitude. Sir, one word as to the effect of yielding to the public voice. It will derogate nothing from the character of this body. It will inspire the people with new confidence in this Government. The strength of a Republic depends on the attachment of its members. How is that attachment to be preserved, how confirmed? Surely, not by the most obstinate adherence to unpopular measures, not by placing the Government in array against the nation. Often is the most determinate British administration literally found to yield to the demands of that people. But permit me to say, that of all subjects, the one now under discussion, would, from its peculiar nature, seem to be the last upon which we should be tenacious of opinion.

Mr. COMSTOCK, of New York, said, it was unpleasant for him to detail his own history, but as some of the speeches which had been delivered on this subject, might be construed into an effort at electioneering, he trusted he might be indulged in saying, what was well known to his colleagues, that he declined being a candidate for member of Congress at the last election. My constituents, however, said Mr. C., contrary to my expectations, have again returned me as a member of this House. I assure you, sir, I have no wish to continue in any public situation. It is my desire and determination, ere long, to return to the practice of my profession, and to discharge the various duties which devolve upon me, to my family and to society. I look forward, with pleasure, to the period when official responsibility shall no longer be attached to my character. I mention these circumstances, sir, to show that I am not actuated upon this occasion, from mere motives of popular favor. When the compensation law, as it is called, which we are now about to repeal, was under consideration, I thought it was a subject upon which intelligent and virtuous men might fairly entertain an honest difference of opinion. Although, sir, I was opposed to the law, and of course differed in opinion upon this subject with its advocates, I have never withdrawn from them my respect and friendship. I have often said, that the compensation law was

supported, and its benefits received by men far greater and better than myself; men whose talents I admired, and whose virtues I revered. Sir, this subject might have received a correct and just disposition in tranquillity and friendship. It involves no great intrinsic difficulty. I have witnessed with regret, the extreme sensibility and excitement manifested in the course of the discussion. Expressions have escaped a gentleman, wounding to my feelings, and to the moral sense and dignity of the Committee. A slander has been cast, by some persons, upon the good people of the United States, as possessing infidelity and laxity of moral principle. Republicanism and infidelity have been represented as inseparable companions; but, sir, our religious history repels this unfounded imputation. This Republic is the soil, where, in my apprehension, refined morality and undefiled religion will flourish to the latest ages. I hope the character of our debates will not militate against this consoling idea. Is it possible, sir, that the good people who crowd our gallery, have been constrained to hear language uttered upon this floor, calculated to awaken in their bosoms the mingled emotions of pity, astonishment, and disgust! But, sir, to return to the subject more immediately under consideration. In this Government, all authority is derived from the people. They are the repository of power, and the fountain of honor. From them we have received our official elevation. We are their public agents; and to them we are responsible for our conduct. In short, sir, I hold that the people have a right to instruct their Representatives; and that it is our duty to obey, under certain qualifications, the voice of our constituents. To the Governor of the Universe, we are under obligations, paramount to any which we can owe to man. Should the instructions of my constituents, therefore, conflict with the Constitution, or with my ideas of moral propriety, (an event which I by no means anticipate,) I should not hesitate how to act. Only two alternatives would be presented to my choice; to disregard their instructions, or to resign my seat in this honorable body. As to public sentiment and feeling on the compensation law, I can only add my testimony in favor of the declaration of honorable members, who have assured you that it is generally disapprobated and condemned.

Mr. Chairman, I have no ambition to detain you by repeating narratives and arguments which have been afforded by gentlemen, founded on the manifestation of public opinion, strongly evincing the propriety of repealing this offensive law. I will only say, that in the district in which I have the happiness to reside, the effect of the compensation law was electrical. It aroused into active opposition, not only those who had been habitually engaged in politics, but also many who had seldom if ever been seen before on the political theatre. It is high time, then, that this law, which has received such universal denunciation, should be repealed. I should have been happy to have acted upon this subject earlier in the session. The people are undoubtedly opposed to that part of the law which fixes the mode of our compensation, but more especially to the amount we are authorized to receive. Sir, repeal the law, reduce our wages to the old standard of six dollars per day, and they will be satisfied. They generally think this compensation adequate.—Upon this point some of us entertain a different opinion. I am disposed, however, to bow to the public will, so clearly expressed on this occasion, and to try the consequence. But we are called upon by gentlemen to refund a part of the money which we have received under the compensation law. This is taking higher ground than I have seen taken in the newspapers, or than I have anywhere heard in conversation. The law was not corruptly procured. It was passed in this House upon mature deliberation, and received the solemn sanction of all branches of the Government. I never conceived it unjust or improper in me to receive the amount of compensation thus afforded. I have never felt any compunctious visitings of conscience for this part of my conduct. When this shall be the case, I hope I may be faithful to manifest a duty. Conceiving then, sir, that I am neither called upon by the voice of my constituents, or of justice, to refund any part of the money conferred on me by the compensation law, I shall vote accordingly. Let other gentlemen follow the dictates of their own enlightened reason and conscience in the decision of this question.

I know it has been said that the course I advocated would drive men of talents, learning, and integrity, from the National Councils. Upon this argument, I do not at present hazard an opinion; but I will say, that if an evil of this kind should be produced and ascertained, in the good sense and virtue of the community it would find its corrective. The people of the United States are too well informed; they too strongly desire their own prosperity and happiness to suffer a consequence of this description long to exist without applying the appropriate remedy.

There is certainly one aspect in which this subject can be viewed, which augurs well for the purity and stability of our republican institutions. It demonstrates that the people are jealous of what they deem to be their rights; that they are watchful over the conduct of their public agents. On this subject, however, some think they have mistaken the true path of interest. Whether this is the fact time will disclose. Our experience on this subject will, moreover, add another proof of the excellency of the form of our Government. It will show that the people, without wading through blood and slaughter, by resorting to Revolutionary measures, have it in their power, in the exercise of the elective franchise, to abrogate what they conceive to be unjust or oppressive laws, and to substitute others, in their opinion, more consonant to the Constitution and the principles of rational liberty.

Mr. Hulbert, of Massachusetts, said, less than one year ago, after long discussion and mature deliberation, we passed the law which is now in review before us. There does not now exist a

single objection against the measure worthy of notice, which was not then repeatedly and vehemently urged; nor was there one argument which could then be used in favor of the passage of the law which may not at this time, with greater force, be brought against its repeal. Shall we not then abide by what we have done? Shall the senseless clamor which we have heard make us give up our opinion and oppose the dictates of our own consciences? Shall we now repeal this law which we so lately passed, and which we still deem essential to our country's good? No, it would be a gross violation of our public duty, and a cruel act of self degradation. To use the language of Burke, it would be touching the bottom of humiliation; our lead would be brought up covered with mud.

Sir, the adoption of the propositions now before us would surely hang us on one of the horns of this dilemma. We must either confess ourselves guilty of extreme rashness in the vote we gave last session, or of cowardice in the one we now give.

I cannot, said Mr. H., refrain from expressing my astonishment, that a motion to repeal this law should have come from the honorable gentleman from Virginia, (Mr. RANDOLPH.) At the last session he not only voted for the law, but the utmost powers of his wit and eloquence were exerted to procure its passage; and even at this session he has declared his mistaken confidence in the justice and propriety of the measure, and has poured a torrent of ridicule upon the opposition to it. But now that honorable gentleman is not contended with moving the repeal of the law; no, he goes a giant's stride beyond that; he proposes that we should be compelled to restore to the Treasury whatever we may have received beyond the amount of the former compensation. How these propositions can be consistent with the course heretofore taken by him, I will leave to the great ingenuity of that gentleman to show; for I must acknowledge that it is far beyond my power. Sir, the honorable gentleman has repeatedly declared, that, if he had voted against the passage of the law, he would sooner have thrust his hand into his neighbor's pocket and purloined his money, than to have taken from the Treasury one cent beyond the old allowance of six dollars per day. You will permit me, sir, to say, that, since I gave my vote for the law, I would as soon confess myself guilty of theft and robbery, as to vote for the last amendment proposed by the honorable gentleman. We have received nothing more than what a law constitutionally passed—a law which the mover of this amendment still declares to be just and righteous—gave us. Why, then, refund the money? I do not care for the pitiful sum in question; no, I would not contend a moment for that. But I will contend for principle, for consistency. I remember being present in my early youth when a stranger entered the room, and, reminding the head of the family of a theft which had been committed upon his goods many years before that time, confessed, with tears in his eyes, that he was the thief. He declared that he had repented of his crime, and had come to make restitution, which he faithfully did to the utmost farthing. Sir, the conduct of that man I have always admired, and if, like him, I could consider myself a felon, I would follow his example: I would confess my guilt, and hasten to make restitution to the people; I would vote for the proposed amendment. But I have no consciousness of guilt, and therefore I will make no confession. I will abide by what I have done. Sir, I have seen in newspapers stories of thieves, who, having swallowed the money they had stolen, had emetics forced down their throats to compel them to disgorge their ill-gotten gains. I hope that that process did not suggest to the gentleman the proposition he has made.

Can it be possible that the honorable gentleman really wishes the repeal of this law? No, he shakes his head—he denies it. I am left, then, to conjecture the object he has in view. Sure I am that no unworthy motive can govern him. He is as much above what he can think dishonorable conduct, as the sublimest flight of the eagle is above the creeping reptile.

Mr. Chairman, I well remember that the proposition for raising the compensation of members of Congress was first suggested to me by my honorable friend from Kentucky, (Mr. JOHNSON.) He requested my opinion as to the propriety of the measure. After taking time to deliberate on the subject, I assured him that I approved of his plan, and would give it my cordial support. I rejoiced that the motion would come from one who was above all suspicion of mean and sordid views—one who had proved his patriotism, and was then bleeding with the wounds he had received in the service of his country. Sir, I was faithful to my promise. I gave him all the support I could: I gave him my vote, and I rejoiced with him when the law was passed, for I thought it essential to the public good. With what pleasure did I see that honorable gentleman rise in his seat, a few days since, in defence of the law! I thought it due to himself and his friends that he should defend the measure he had originated. I listened to his animated and powerful argument, and it strengthened and confirmed the opinion I had adopted. But with what surprise and regret did I hear him concluding his speech with a motion to repeal or modify the law he had so nobly defended! I cannot deny that it gave me pain.

You will allow me, sir, to advert to the report of the committee which has been made upon this subject. That report is manifestly the production of great talents. It bears on every page the stamp of powerful intellect. It is an unanswerable argument in support of the present law, and yet it concludes by recommending its repeal! Sir, the speech of the honorable gentleman from Kentucky, and the report I have mentioned, remind me of war elephants, which sometimes in the heat and confusion of battle turn from the enemy and trample down their owners.

Sir, what objections have been made against

this law? Is the present compensation too great? Few, very few, have made the assertion. The honorable gentleman from Kentucky, (Mr. DESHA,) it must be admitted, has taken that ground, and has declared that the old allowance of six dollars per day was sufficiently high. He has made a minute calculation of the expenses, which he thinks would reasonably be incurred by attending a session of five months, and concludes that a member might carry home to his family about four hundred and fifty dollars. I know that that honorable gentleman is incapable of stating anything which he does not think perfectly correct, and no one will doubt that he lives in this city in a style becoming a gentleman. But if he can save the sum he names, he surely must have an art in managing his affairs which very few of us possess. Admitting, however, the accuracy of his statement, I would not wish for a stronger argument to show, that the late compensation was quite insufficient. It would give us only four hundred and fifty dollars, to defray all the expenses of our families for five months, and to compensate us for our abandonment of our professions or occupations, and the consequent derangement of our private affairs. Even the gentleman himself, on reflection, seemed startled at his own argument, and hastened from it, to tell us how much honor we receive by being members of Congress. Honor, sir! are we chamelions, that we can live on air? I must acknowledge that I fear we shall prove ourselves rather too much like those strange animals; for if we now repeal this law, we shall prove at least that we can change our opinions quite as easily as they can change their colors. But, if we can live on honor, will it feed and clothe our families? No, sir, while we are strutting here, inflated with honor, they may be freezing and starving at home. And you will allow me, sir, to say, that he who can forget his wife and children, although he may have a sound head, must have a rotten heart, and is unfit for a legislator.

I have never seen the objection to the amount of compensation placed in a stronger point of view, than has been done by an honorable gentleman, who lately resigned his seat on this floor, (Mr. Mayrant, of South Carolina.) In his letter of resignation, he says, the present compensation law opens the door of Congress to virtue and talents, and costs his constituents, beyond what they formerly paid, less than one cent and one-fourth of a cent each, per year.

It has ever been my opinion, that the allowance to members of Congress should be such, as would draw into the councils of the nation men of distinguished talents and information, from all parts of the Union, whether rich or poor. Nothing can be more important to the people, than that their Representatives should be men of that description, and that they should be placed above temptation to abandon their seats for offices in the gift of the Executive, or for lucrative employments in private life. Trace the subject to the commencement of our Government, and how many members of both branches of the Legislature do we find resigning their seats, because they cannot endure the sacrifice which their situation requires of them? This causes a constant succession of new and inexperienced members; distracts the councils of the nation, and forbids the hope of the establishment of a broad and lasting system of policy, which shall look to the permanent prosperity and glory of the country.

Sir, I will dwell no longer on this point. I am confident that the cool and deliberate opinion of the people will be, that the compensation is not too high.

An objection which has been very strenuously urged against the law, is this, that the compensation should have been an allowance per day, and not a salary. I have ever considered the contest on this point as a mere dispute about words. Surely it makes no difference with the Treasury, whether the fifteen hundred dollars, to be taken from it, be received in the former or the latter mode. The amount which the people have to pay, is the same; and it is no high compliment to their understanding, to suppose that they regard the form, and not the substance of things. Why should there be anything so frightful in the idea of a salary? Sir, the President of the United States receives a salary. So does the Vice President, who presides over the highest Legislative branch of the Government. Look throughout the government of the Union, and that of the individual States, and how frequent, how common are salaried officers! Are not the judges of our highest courts of that description? I know it will be answered, and truly, that the judges are obliged to spend the whole of the year in courts, in the study of the laws, and otherwise in the performance of their high duties. And what, sir, is the duty of a member of Congress? Will we have fully performed it by having faithfully attended the several sessions? No, sir; he who legislates for eight millions of people; he to whose care the destinies of the nation are in a considerable degree committed, should keep his eye steadily fixed on the public weal—should consider himself constantly in the service of his country. There cannot, then, be any incongruity in the ideas of legislator and salary.

It is amusing to notice upon what opposite grounds this mode of compensation has been denounced. The Legislature of one of the States has resolved that it was beneath our dignity to make ourselves salaried officers; that is to say, it was beneath our dignity to place ourselves on a level in that respect, with the President of the United States. At the same time, meetings of patriots in other parts of the country were as stoutly resolving, that we had taken to ourselves too much consequence, and had exalted ourselves quite too high. Sir, I cannot think that the opposition to the mode of compensation is supported by any substantial reason. It appears to me to be, generally, the last resort of those who had determined to raise a clamor against the law, at all events, and who, being forced to admit that the present compensation is not too high, seized on this objection, in the true spirit of Goldsmith's school-

master, that, even though vanquished, they might argue still.

Mr. Chairman, it has been repeatedly asserted, that it is indelicate and improper for members of Congress to determine their own compensation. Sir, there is a perfect, and I hope it will be an entirely satisfactory answer to this objection. When the original draught of the Constitution, as made by the Convention, was proposed to the people for adoption, it contained an article expressly prohibiting Congress from passing any law for raising the compensation of its own members, which should take effect before an election should have intervened. This article was rejected, and left out of the Constitution. The people, then, have decided the question. They have determined that it is proper for us to fix our own compensation: and, sir, having made up our minds to raise the allowance, it would have been a false delicacy an affected disregard of self-interest, not to have embraced in the provision the present Congress.

But it is said that the voice of the people commands the repeal of this law. Sir, I deny the fact. Gentlemen have mistaken the clamor of newspapers, and the noise of party spirit, and factious demagogues, for the voice of the nation. No one, I trust, entertains a higher respect for the cool and deliberate opinions of the people, than I do. But I have heard no such opinion on this subject.

The first clamor against this law, which I remember to have heard, and to have thought worthy of notice, was raised in the greatest commercial city in the Union. An important election was about to take place. A meeting of one of the parties was called, at which, resolutions were passed, denouncing in bitter terms the compensation law, and charging it to the account of their political opponents. This immediately produced violent recrimination, and the charge was furiously retorted. Sir, the accusation on both sides was unjust. The compensation law was no party measure. It, however, soon became fashionable in various parts of the Union, for the great political parties to attack each other with this formidable weapon. Federal and Democratic demagogues contended who should be foremost and loudest in denouncing the compensation men: the artillery of the press was opened upon us; Legislatures attacked us with resolves; grand juries presented us; and mobs hung us—in effigy!

This, sir, is the voice of the people, which we are so solemnly bound to obey, and which has spread such consternation within these walls!

My honorable friend (Mr. PARRIS) has told the Committee that he now stands presented by a grand jury, for having voted for the compensation law last session; he has declared, that it is the only time in his life he has been in that sad predicament, and he appears to be much agitated on the subject. Sir, I do not wish to add to the afflictions of my honorable friend; but I must remind him, that it is not the only time he has been thus unkindly noticed by a grand jury. He stands presented for attending a caucus last Winter in this city, for the nomination of a candidate for President. But I beg my colleague not to be too much alarmed. I am sure he would, on a fair and impartial trial, be acquitted of both those charges. But should he now, with no better reasons than he has yet offered, vote to repeal the law, which he so lately zealously supported, he would richly deserve to be indicted for that offence, and I am confident that there could not be empannelled in this country an honest jury who would not find him guilty.

Since grand juries have been brought into this debate by my colleague, to prove that the voice of the people is against this law, I must say, that I recollect only two who have acted on this subject. One of those grand inquests in a northern State (Vermont) presented, as a great grievance, that we raised our compensation at a time when an inauspicious season threatened want and famine. Sir, when we passed the law that State was, as usual, one hundred feet, be the same more or less, under snow! and yet the evil that threatened those wise men, at the time they made the presentment, was a drought! Another grand jury, in Georgia, placed in a very singular predicament some of the Representatives of that State, whom I now see in their seats. Although those honorable gentlemen voted with all their might against the law, yet they were presented because they did, on other subjects, make long, laborious, and tedious speeches, and also because they did not make like speeches against the compensation law.

Mr. Chairman, this voice of the people has produced one very wonderful effect. It has made my honorable friend (Mr. PARRIS) fall most desperately in love with the Legislature of Massachusetts. This I rejoice to learn, and I hope he will prove no fickle lover. For years past that gentleman has been quarrelling with that Legislature; but there can be no doubt that his reconciliation and attachment are unfeigned, for he has given the strongest proofs of their sincerity. He has informed the Committee that he has received certain resolves from that Legislature, requesting him to vote for the repeal of the compensation law; and that, although he voted for that law last session, and then thought it a just and necessary measure, and still thinks so, yet he feels himself bound to obey the request he has received, and shall cheerfully give up his own opinion. Do the Committee wish for any further evidence of his sincere devotion? They will then do my colleague the justice to recollect, that he never even named the Legislature, without making a very low and reverential bow.

Sir, I too have received copies of certain late proceedings of the Legislature of Massachusetts. That honorable body has been pleased to resolve that the compensation law, passed last session, "is an innovation upon the custom, and not congenial with the Republican principles of our Government," and has requested me, among others, to use my influence to effect its repeal. I will not obey the request. I will vote against the repeal, and will surely oppose it with the little influence I may have. My judgment and my conscience plainly point out to me that course. My opinion

has been deliberately formed—it is fixed, but not as in a frost; I will not give it up to any man, or body of men, on earth.

As long as memory shall hold a seat in my brain, I shall be warmly attached to Massachusetts. It is the land of my nativity. There I first drew my breath, and there are the objects of my fondest affections. I am proud of it as the birthplace of American freedom. There streamed the first blood that sealed and sanctified our independence, and there, I trust, will stream the last in its defence. I cannot, however, fail to express my regret, that the Legislature of that great and powerful Commonwealth should have thought fit to interfere in a concern so trifling and unimportant to the interests of that State. It was beneath their dignity. The agitation of that great body, on this little subject, resembles

"——— ocean into tempest wrought,
To waft a feather, or to drown a fly."

If State governments have any right to interfere with the doings of Congress, surely that right should be exercised only on highly momentous occasions. And what is the question which originated the resolutions I have received? One not only of little importance to the State from which they came, but on which, in my opinion, it was wholly inexpedient, if not absolutely unlawful, for the Legislature of that State to act. Sir, under the Old Confederation, each State had the right to fix the compensation of its own members of Congress; but when the present Constitution was adopted, that right was taken from the individual States and given to Congress exclusively. Why? Because it was thought proper that the Representatives of all the States should have an equal compensation, and because it was known that members of Congress would be best qualified to judge of the expenses and the sacrifices which their situation would require, and, of course, to determine what would be a reasonable allowance.

Sir, the resolutions which I have received from Massachusetts, are not accompanied by a single reason to recommend them. The request is a naked one. If the Legislature had any good reasons to offer, as guides for my conduct, surely they would not have been so unkind as to keep them back. I am therefore bound to believe they had none. "An innovation upon the custom, and not congenial with the Republican principles of our Government!" The alphabet, ground in a pepper-mill, would convey to me as distinct an idea as these words do—they mean anything—they mean nothing.

It has been fashionable, during this debate, while talking about the voice of the people, for gentlemen to state to the Committee their experience in relation to this ill-fated law. I must follow the fashion; but I will despatch the topic in a few words. On my return home, last Spring, I gave due notice to my constituents that I voted for the compensation law, and that I never would vote for its repeal. And yet, Mr. Chairman, strange as it may seem to some honorable gentlemen, a convention of my district, very numerously attended, unanimously nominated me again for their candidate, and I unanimously declined. Such is my experience.

Sir, a great statesman has told us that nothing is so rash as fear. Let us take care that in legislating on this subject we are not influenced by a factious clamor, taking it for an expression of the real sentiments of the nation. I am confident that the settled opinion of the American people will sanction what we have done.

Among the many disastrous effects which the repeal of this law, if it take place, will produce, there is one peculiarly to be dreaded. It will encourage a mean and sordid spirit in our legislation—a spirit which I am sorry to say is already quite too prevalent. Its baneful influence is constantly felt. It forces us to abandon the best interests of the nation. Even the sacred advice of Washington must be disregarded or neglected. Let us propose to fortify our country, "that in time of peace we may be prepared for war;" let us offer any great scheme of internal improvement, and we are sure to have our ears stunned with the cry of economy! economy!! Sir, I hate that word. It once conveyed the idea of a noble virtue; it meant the safe and prudent management of our affairs; it now signifies parsimony and meanness. It is the magic word in the mouth of demagogues, by which the people are charmed out of their senses, and cheated out of their best rights. It is a siroc blast in the political world; it prostrates the strength, and withers all the energies of our country.

Sir, if we reduce the compensation to what it was before the passage of this law, we may soon witness attempts to sink it still lower. No one can tell where the struggle for popularity will end. A contest for a seat in Congress will be like what the jockies call a scrub race, which is so contrived, that the slowest and meanest horse is always sure to win the stake. Yes, sir, men will fill your Hall of Legislation, who will be as unfit to make laws, as an ass is to teach algebra.

Mr. Chairman, I have but few words to add. I deliberately gave my vote for the law in question; I thought it a just and necessary measure. I have reviewed the subject, and am entirely satisfied with what I have done. I will not look up to the weathercock of popularity, to see which way the gale is blowing. Not having changed my opinion, I will not change my vote. If the clamor of demagogues shall not cease; if the storms of faction shall continue to rage, I have only to feel conscious that I have done my duty, and to say, with King Lear, "blow winds, and crack your cheeks."

Mr. Forsyth said, he did not expect, after the serious declaration of the gentleman from Virginia, (Mr. Randolph,) that during the remainder of his political life he should not offer any proposition to the House, to hear so soon, from that quarter, an amendment proposed of such a decisive character.

[Mr. Randolph explained, that he did not mean

to say he should introduce no amendments: he spoke only of original propositions.]

Mr. F. did not understand the declaration to have had any such limitation. He was not, however, about to find fault with this change or forgetfulness of the resolution previously announced; he was about to congratulate the House and the country, that some benefit was hereafter to be derived from the gentleman's information and experience, in the management of the public business. From the nature of the amendment, and from the introductory remarks to it, it was obvious that the object was to make the repealing law so obnoxious as to endanger its final adoption.

[Mr. R. was sorry to interrupt the gentleman from Georgia again, but his object was to induce the House to act correctly; this could be done by one of two modes—preserving the old law, or adopting his amendment.]

Mr. FORSYTH was glad to be corrected. He had supposed, that in arguing from the effect, to ascertain the motive of the proposed amendment, he was pursuing a fair course of reasoning, and one calculated to lead him to the truth. As the gentleman from Virginia had stated now his view so definitely, he should not impute to him the design to produce an effect which would nevertheless follow the success of his amendment. The question before the Committee is now confined to the first section of the amendment, and to this he should confine himself. This section proposes a simple and unconditional repeal of the act of the last session. Of the success of this motion, there was no doubt. More mature reflection on the effect of the popular sentiment, combined to insure this result. For his own part, his opinions on this subject had undergone no change. He had been at the last session opposed to the law, which was unfortunately passed; and he was, of course, for the same, and for no other reason, in favor of its repeal. When that subject was under consideration, he had stated that he was not opposed to the act because it increased the amount of compensation. It was because it sought to reach a justifiable end by improper and unjustifiable means. He should not attempt to say anything about the adequacy of this or that sum. A question of amount did not enter into the present inquiry. When that question came regularly into view he should give his vote upon the subject, as upon all others, according to the result of his experience and his judgment.

What, Mr. F. asked, was there to recommend the law which is proposed to be repealed? Compared with the old system, it was inferior in every respect but one—the amount of compensation. Every gentleman who has addressed you in favor of the present law, has confined himself to remarks, intended to show the necessity of an increase of pay, to the important political effects likely to arise from raising Legislative compensation to someting like a level with the emoluments of Executive officers. Not one syllable has been uttered in favor of the change from a daily to an annual allowance. Was it because it was indefensible, or did gentlemen intend to rest this change upon the arguments of the last session? An increase of compensation is certainly justifiable and proper; but the admission of this fact does not assist the advocates of the new mode, unless the idea is resorted to, that it was necessary to change the manner, in order to conceal the increase. Mr. F. said, that in order to render compensation equitably proportioned to the service performed, some rule must be fixed. In the payment for legislative, as of all other services, you must calculate either the quality, or the quantity, of the service, or the time which is required for its performance. The two first afford no safe foundation for a general regulation. You must adhere to the latter if you desire to graduate the compensation either to the amount of expense incurred, or the sacrifices made in performing the duties required. It must be obvious, that, by the present law, the compensation was unnecessarily great if the sessions of Congress should be continued but two or three months in the year; and if the public exigency should require a continued session of nine or twelve months, it was equally obvious that it was shamefully insufficient. Why, then, abandon the ordinary, the established, and well-settled rule, for this obnoxious novelty? When the new system was adopted, Mr. F. said he recollected well the only argument offered in its favor—he would correct his phrase—he would not say the only argument, although it was the only one he remembered to have been used—but he would say the prominent argument, upon which its advocates rested, was, that it was necessary to change the mode, in order to shorten the sessions, and to expedite the public business. Mr. F. considered this argument as altogether unfounded, and the fruitful source of all the clamor and excitement which had been produced by this measure. Was it not announcing to the people, that those who used it, believed that a sufficient number of the members of the House were governed by the most despicable petty pecuniary motives to prolong the sessions of Congress, and protract the public business? Had gentlemen any right to complain? Could they feel any surprise, that, governed by a similar mode of reasoning, their own conduct should be assailed by the people, and the vilest motives imputed to them? Mr. F. said, he was very far from justifying the popular clamor on this subject; it had been excited to an unwarrantable height, not justified by the occasion, and on a point not sufficiently important to make it worthy of the sensation it had produced. But he was desirous to show gentlemen that the fault lay in some measure, at their own doors. In common with other members from Georgia, he had been assailed by those who had resentments to satiate, or friendships to gratify. The attacks upon him, from accidental causes, had not been successful. When it should be his misfortune (if indeed it could be called a misfortune to be divorced from public life) of being no longer an acceptable Representative of the people of Georgia, he should endeavor to forget everything but the confidence which had been reposed in him, and shut his eye

upon the unkindness of a sentence, which, like that passed upon his colleagues, he trusted he should not deserve.

But, Mr. F. said, he was wandering from the point. He certainly did not, and could not believe, that any member of that House was so destitute of common decency and common honesty as to delay public business from a paltry pecuniary motive. Admitting, however, the argument to be justly found, it affords a powerful reason against the new mode; for if a trifling and insufficient per diem affords temptation to a dereliction of duty, too strong to be withstood by all, and leads to an unnecessary delay of business, an annual compensation, which is diminished by the duration of the session, will produce the opposite effect—the curtailment of the sessions and the neglect of public business. Mr. F. said he left it to gentlemen to estimate the difference between the lengthened session with the enactment, and the shortened session with the neglect of necessary laws. He had already seen much evil growing out of the change. He desired to be understood, that he did not impute to gentlemen a motive more unworthy than the one he distinctly announced. It seemed to him, that in order to accomplish their prediction on this point; in order to make the fact correspond with the prophecy, the last session of Congress had been hurried to its close. Many laws of general and vital importance had been left unconsidered, and the table of the Speaker had been crowded with the private acts. If his memory was accurate, forty had been passed in one day. Mr. F. said, he did not object to the relief of individuals when entitled to the interference of the House, but he had always supposed that the general ought always to have precedence of partial relief, however meritorious the object and just his title to favor. He apprehended similar evils from a continuance of the present law; if not in the indifference to general laws, at least from the wholesale dealing in private acts. It had been asked, very triumphantly, why these arguments were not urged at the last session of Congress; how it happened that this burning zeal against the act, had not blazed out at the time of its adoption. Mr. F. asked if they had not been urged; were they not remembered? That the usual length and labor of investigation had not been devoted to this subject, was true, for the reasons he would remind gentlemen of certain facts which seem to have been forgotten. The compensation bill was the only one of any interest pushed through the Committee of the whole House, and ordered to a third reading in a single day. All motions to amend were rejected; for the Committee to rise and report progress, and ask leave to sit again, met with the same fate. The bantling, ricketty as it is, was not suffered to receive a corset to press it into a decent shape. The House refused repeated propositions to adjourn, and continued its sittings until the bill was ordered to be engrossed. The whole day on which it passed was occupied in the discussion of its merits, and although the debate was but partially sketched in the public prints, and none of the proceedings in the Committee of the Whole ever appeared before the public, there was quite as much said against as in favor of the measure. Mr. F. did not speak of the quantity of words spoken, or to the wit, raillery, and allusion used, but simply of the arguments which had been advanced by those favorable and hostile to the measure. He thought he had some reason to complain, not of the cause, but of the effect of the partial report of the proceedings on this subject. What he had said or proposed was in itself of very little consequence, and certainly he felt no particular interest in having it laid before the people; but it had been made a source of animadversion and calumny in the States of whose representation he formed a part. And it was the sole circumstance he had to regret. Could he have foreseen all the clamor and excitement that had been produced, he would have acted and spoken precisely as he had done, taking care that what had been said by him should have found its way in the ordinary channel to the people. He had received a very broad hint that he had not fulfilled the wishes and expectations of his constituents, but consoled himself with the idea that his conduct had not been properly understood. The people of Georgia had given him no instructions—for which he was duly thankful. He trusted that they would always leave him unshackled to pursue what he certainly should pursue, whether attempted to be shackled or not, the line of conduct his own judgment marked out for the interest, the happiness, and the honor of the people. God forbid he should ever live to choose between the obligations of duty and those of gratitude.

Mr. F. said he had entered somewhat into the merits of the question before the Committee, to render it unnecessary for him again to say anything on this subject; but his chief object in rising, was to reply to some remarks of the gentleman from Massachusetts, (Mr. Parris,) on the grand jury of Georgia. Mr. F. said he was not the advocate of the grand jury, or the justifier of their opinions. He could not believe that their opinions were either liberal or just, without admitting that he himself was censurable, since the same grand jury had found fault with him among others. But this was a matter of local concern, and he had hoped that each State would have furnished all their Representatives sufficient employment at home, to render it unnecessary for any of them to travel a great distance in search of Quixotic adventures. Did not, then, all the State of Massachusetts, with its District of Maine, furnish one foe, upon whose recreant hide the honorable gentleman could gain the spurs of knighthood, or break his ponderous lance? Sir, the gentleman mistakes entirely the nature of the presentment of which he complains. The grand jury never entertained an idea that he would be arraigned and tried upon their information. They believed, however erroneously, that there was a matter of great public interest, on which they chose to express their opinions. Certainly

their right is as undoubted to find fault with the gentleman from Massachusetts, (who, by-the-by, they do not name,) as the Legislature of Massachusetts has to censure the members of any other State, either by the tale or the gross. But the honorable gentleman took occasion to say that he knew nothing of the political character of that State, but from one remarkable and corrupt act which his constituents will always have occasion to recollect. Mr. F. said he could say nothing of the value of that judgment of the policy of a State, which was formed upon the examination of a particular fact in her history. This much, however, he could proudly say, that although her system was defective, and she had committed a multitude of faults, she had virtues to redeem them all. She would not shrink from a comparison with any State in the Union. If the honorable gentleman was disposed to make an examination of the merits of their respective States, Mr. F. would demonstrate that the one was still an angel of light, the other less than an archangel ruined. The constituents of the honorable gentleman have good reason to remember the act to which he alludes. The General Government, by the terms of the Yazoo compromise, have paid them well to recollect it. They have received the value of the property they purchased from the original holders in Georgia, and have not paid the purchase money. If they have any moral sense, they must unwillingly recollect this circumstance, from "certain compunctious visitings," which even successful fraud cannot elude.

Mr. F. said he had no doubt the obnoxious law would be repealed. The anxiety he felt was, that it should be done in such a manner as became the honor and dignity of that body. Whatever was done should be done in the same spirit, and in the same manner, in which the act was originally passed. If a per diem was substituted, and he hoped it would be, it ought to be calculated as commencing with the present session, both as a matter of principle and policy. It was right in itself, that the House should apply the same rule to the settlement of its accounts as were to be applied hereafter. It was due to a sense of decorum, that no person should be able to mistake or misrepresent the motive of the delay which had taken place in acting upon this business. The honorable gentleman from Virginia (Mr. RANDOLPH) had supposed it necessary to go still further back, and embrace the receipts and settlement of the last session. This was altogether impracticable, and incorrect in principle. The House had as much right to go back to the 13th, 12th, and 11th Congresses, as to the last session of Congress. The accounts were adjusted, and the money not only vested, but received. It had been said on this floor, very much to his surprise, for although used out of the House, he had not expected to meet with such an opinion here, that restitution of the extra pay of the last session was necessary to reinstate the House in the good opinion of the people; that it was improper or indelicate, in those who voted against the act, to receive the compensation fixed by it. Mr. F. could not understand how it should be necessary to confess the corrupt motive, in order to escape the effect of such an imputation. Certainly, if fraud had been committed, restitution was the best proof of sincere repentance; but until this was admitted, the strong expression of an inclination to restore, was rather suspicious than satisfactory. The people would not expect the House to violate principle, out of an affectation of purity. The charge of indelicacy on those who had received the increased compensation has been made, but it did not deserve a reply; and he should not have noticed it, had it not been occasionally spoken of in the State of Georgia. As he had not replied to it, then, he hoped to be forgiven for replying to it now. Mr. F. said he knew no difference between a law fixing a salary, and other laws. All affected by it were entitled to its benefits, or obliged to bear the burdens it might impose. In whatever station he had been or should be placed, he should consider himself bound to perform all its duties, and to receive all its emoluments and its honors.

He did not pretend to more patriotism, or less selfishness, than fell to the lot of most men; but he had not as yet taken money into the calculation of the inducements to enter or continue in public life. He had motives of a higher character, although certainly personal motives; the desire of honorable employment; the hope of being useful; the anxiety for those distinctions conferred even by unsuccessful exertions to promote the prosperity of a free people; to preserve and to maintain the character of the Government of this country. To the gentlemen who had expressed, or who had entertained any opinions unfavorable to those who had taken part against the act, and yet received its benefits, he would ask was it not ours by the law of the land, constitutionally and honestly passed? Did our opinions of the sufficiency or insufficiency of the amount of the policy or impolicy of the change, affect our rights more than your claims? Are you willing to acknowledge yourselves guilty of corruption, in order to fix upon us the charge of indelicacy? To admit that you have committed a felony, to make us chargeable as accessaries after the fact? It is upon these grounds alone the charge is defensible; and unless it is defended with these principles, it is as ridiculous as it is unjust.

Mr. PICKERING said he was opposed to the amendment offered by the honorable gentleman from Virginia, (Mr. RANDOLPH.) I cannot consent, said Mr. P., to refund the compensation granted by the law of the last session. It was a compensation for services rendered. It was conformable to the Constitution, which declares that the Senators and Representatives shall receive a compensation—for what? To defray their expenses, as some have contended? No; but "for their services." And how these should be compensated, was best understood by the eminent men who framed the Constitution, and who, in the several State Conventions, accepted and rati-

fied it. Many of these distinguished citizens were members of the first Congress, in 1789, when the original compensation was fixed, and what they proposed, was approved by Washington; than whom, no man entertained a more correct sense of personal dignity, nor more justly estimated what was due to character and station; at the same time, no man observed a more exact economy in the expenditure of money, whether his country's or his own. No one can be ignorant of the comparative value of money in 1789 and in 1816; that the prices of the articles necessary for decent living, were, in the latter period, at least double what they were in the former. Take, for example, wheat, the price of which did not then exceed one dollar a bushel. The gentleman from Virginia, before me (Mr. Randolph) beckons, and says it was only three shillings and six pence (fifty-eight cents) a bushel! But, suppose it to have been a dollar; six bushels of wheat, worth six dollars, were then only equal to the daily pay of a member of Congress. The same six bushels of wheat, in 1816, would bring from twelve to fifteen dollars. Hence it follows, that the compensation to members of Congress, in 1789, was double in value to the compensation as it stood prior to the law of March, 1815—nay, more than double; for the six dollars for every twenty miles travel in 1789, was equal to twelve dollars in 1816; and by the law of the last session the allowance for travel remained unchanged—six dollars only for every twenty miles. Imagine that the compensation in 1789, had been set at six bushels of wheat per day, and continued to this time, would any one now think of receiving only three bushels a day, and distribute the other three among his constituents? If some gentlemen are willing to serve for a bare reimbursement of their expenses, receiving the residue in honor, I am too poor to join that class. I must have stayed at home to cultivate my little farm. I must be paid for my "services." If, indeed, the present compensation, so much below what it was in 1789, greatly surpasses the services I am capable of rendering, this should have been looked to by those who sent me here; I did not send myself, nor offer myself as a candidate. I know not by whom my name was proposed, originally for the Senate, latterly for this House. All I know of the matter, is, that formerly I was there and now am here, in consequence of the elections; and the compensation I have received I shall retain, nor, unless it be forced from me, will I let it go.

The question was now taken on Mr. Randolph's substitute, and negatived by a very large majority.

In the course of the debate on Mr. Randolph's motion, Mr. Reynolds suggested the propriety of so amending the proposition as to make the excess refundable with legal interest; but it was not offered for decision.

Mr. Forsyth then moved to amend the bill, so as to take effect from the commencement of the present session instead of from the passage thereof.

This motion was opposed by Mr. Grosvenor, and advocated by Mr. Forsyth at some length, when the motion was negatived—ayes 55, noes 96.

The Committee then rose, and reported the bill, as amended, to the House.

Friday, January 17.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act directing the discharge of Oliver Spellman, from imprisonment," and the bill, entitled "An act directing the discharge of John Ricaud, from imprisonment," with amendments to the latter, in which they ask the concurrence of this House.

MISSISSIPPI TERRITORY.

Mr. Pickens, from the select committee on the subject, made a report on the petition of certain Delegates of the Mississippi Territory, praying for the admission of that Territory into the Union as an independent State without division. The report embraces a general view of the extent and population of the Territory and its presumed capacity for maintaining additional population, and concluded by the introduction of a bill for the admission of the whole Territory into the Union as one State; which bill was twice read by its title, and committed. The report is as follows:

That they have considered the subject with all that attention which the means in their power have enabled them. The question most immediately involved in the reference was, whether the Mississippi Territory ought to form one entire State, or be divided into two—a question much more important both to the people of the Territory and to the nation than whether its admission should be immediate. The considerations deemed of most weight in determining this question are, 1st. As regards the general interest of the Union; 2d. The wishes of the people of the Territory; and, 3d. The convenience and policy of the particular government of the Territory.

1st. The principal point affecting the national interest will consist in the great relative strength of such an extensive member of the confederacy, if admitted entire. The great extent of its limits, and the space it occupies on the map of the United States, naturally excite inquiry as to the capacity of its soil and other qualities to afford at any period a dense population; and the inquiry should be directed to a remote period, when the Indian titles shall have become extinct and the country matured by improvement. Although your committee deem it impracticable to obtain anything like an accurate estimate of the proportions of land fit and unfit for cultivation in that remote Territory, so great a portion of which is yet a wilderness, yet, from the general information collected from those who have explored its different parts, and from the progress of settlement and sale of public lands within the tract of country to which the Indian title has been long extinguished, your committee cannot apprehend that the whole Territory is capable of such a strong population as ever to render it a formidable State compared with the largest sized of the Northern, Middle, and Western States.

By a statement from the General Land Office, accompanying this report, it appears that the amount of

sales of public land in the Mississippi Territory, from the first opening of a land office therein (in 1807) till the 30th September last, exclusive of Madison county, was 833,534.49 acres. The land districts in which these sales were effected extend from the Mississippi river, eastward, more than two hundred and twenty miles, to the dividing ridge between the Alabama and Tombigbee rivers, and a little over sixty miles from the thirty-first degree of latitude northward, and contain more than eight millions of acres. It appears, from the concurrent testimony of persons acquainted with the Territory in question, that an uncommon proportion of its land is unfit for cultivation; much thereof consisting of poor pine barrens; while, on the other hand, it is certain that there is much fertile soil on the margin of the rivers, and interspersed over different parts, capable to sustain a sufficient population for a respectable State. Its political strength will also be held in check by the great proportion of slaves it is destined to contain. This circumstance, added to the climate and soil, will render its numbers (entitled to political calculation) relatively small compared with its extent.

2. As to the wishes of the people themselves, various representations have been made showing a difference of sentiment to exist among them in regard to a division. It is, however, worthy of notice that for several successive years the Legislature of the Territory have petitioned Congress for admission as a State; in none of which have they intimated a wish to be divided.

3. As to the policy and convenience of the particular Government. The form of the Territory is nearly square, and its average length and width nearly equal. By any line of division, the distant extremes will be but little more convenient to a point at the centre of either division than to the centre of the whole Territory. As to the different parts having different avenues to market—the western by the navigation of the Mississippi river and the waters of Lake Pontchartrain, the eastern by the waters of Mobile and Chatahoochee—it is not seen that this will create any material diversity of interest, or interfere with the internal policy and harmony of the State, all parts of which will be agricultural, and capable of similar products. Nor is it known that local animosities are more peculiar to large than to small States. These are not unusual even in the bounds of a county. It is, indeed, more probable that a large State would incline to cherish its institutions by a liberal policy.

The geographical position of this Territory may render it necessary that its military defences should be more combined than would at all times be practicable in two distinct sovereignties.

It may be proper to take notice of the situation of each division in case the parts are separated by a line such as has been in contemplation, and as proposed by a bill now before this House; although your committee presume, if any division is to be made, the line proposed may be as judicious as any other. The western division will contain 25,037 free white inhabitants, and 22,834 slaves, by the census taken lately. By the census taken in 1810, there were west of the line of division 16,602 white inhabitants, and 14,523 slaves, including in the last census the county of Jackson, formerly a part of Florida, making an increase of 8,435 white, and 8,311 slave inhabitants, in the last period of six years, including a new county from Florida. In the whole western division there is no land to which the Indian title is extinguished but what has been some time in market, and most of it embracing the oldest settlements in the Territory. What prospect may exist of extending the scope for settlement by purchases from the Indians is not known to your committee; until which time the increase of population in that quarter must be gradual.

While your committee believe it expedient to admit the whole Territory to the rights of State government, and that immediately, they consider it just to the population which will in a few years occupy the extensive space on the east side of the Tombigbee, which has lately been acquired from the several Indian tribes, to afford the citizens of the State now to be formed a fair opportunity of revising their constitution after a reasonable time, and recommend a provision for that purpose.

Your committee ask leave to report a bill for admitting the Mississippi Territory into the Union as a State.

CLAIM OF RENNER & HEATH.

Mr. YANCEY, from the Committee of Claims, made a report on the petition of Renner and Heath; which was read, and committed to a Committee of the Whole to-morrow. The report is as follows:

That, in the year 1814, the petitioners owned a ropewalk in the City of Washington, in which was contained a large quantity of spun yarns and Navy cordage, all of which was destroyed by burning by the British forces at the time they invaded the City of Washington, on the 24th of August in that year. On or about the 20th of July, 1814, one of the petitioners, Mr. Heath, applied to Mr. Southerlin, the owner of some large boats then lying in the Potomac, and engaged five of them to transport his cordage and yarns up the river, if the enemy should invade the City. On the 18th or 19th of August, it was deemed expedient by General Winder to impress the boats of Mr. Southerlin, for the purpose of transporting troops across the Potomac, and they were kept in the employment of the Government until after the 24th of August. On the 20th of August the petitioners applied for the boats, according to contract, for the purpose of removing their property, when they were informed that the boats were impressed. It also appears to the committee that, on the 22d of August, the petitioners employed a wagon and nine or ten carts for the purpose of removing the property in the ropewalk, but the wagon and two or three of the carts were impressed by the officers of the departments, to remove the public papers and property; and that seven of the carts employed, after taking loads from the ropewalk out of the City to the place directed, refused to return to haul any more for the petitioners, apprehending, as is stated in the petition, that if they did they would be impressed into the employment of the Government.

It is also stated and believed that, after that day, and before the enemy entered the City, carriages were not to be had to remove the property. The loss of the petitioners, exclusive of the price of the ropewalk, amounts, according to the estimate of the petitioners, to about $24,800, and they pray that Congress would reimburse them the amount of their loss.

The committee are of opinion that the Government is under no obligation to indemnify the claimants. The ropewalk, and the yarns and cordage deposited in it, were all the property of private citizens, and, according to the usages of modern warfare, entitled to protection. It is true that the cordage manufactured in the walk

might have been purchased and used in the naval service of the United States, but, if so used, it was first the subject of contract between the owner and Government. The mere circumstance that the cordage made in the walk might, under a contract with the owner, be applied to public purposes, does not impart to the property the character of public property, and thereby exclude it from that respect and safety which, in the progress of civilized warfare, has been extended to private property. Upon this ground, therefore, it is considered that, according to uniform decisions made by the House of Representatives, the petitioners are not entitled to relief.

Admitting, however, that the property was of that public character which would have authorized its destruction by the enemy, it does not appear, in this case, that the petitioners were prevented from saving such of their property as they could have removed by the impressments made by the officers of the Government. It appears that, on the 22d of August, of the ten carts employed by the complainants seven were not impressed, but took, each of them, one load from the walks, and afterwards, of their own accord, left the service of the petitioners. Had that number of carts continued to haul the cordage and yarn till the enemy came into the City on the evening of the 24th, there can be no doubt it would have been removed.

The committee are of opinion the petitioners are not entitled to relief, and therefore recommend to the House the following resolution:

Resolved, That the prayer of the petition ought not to be granted.

CLASSIFICATION OF THE MILITIA.

Mr. Harrison, from the committee on the subject of classing and reorganizing the militia, made a report thereon, embracing a wide and general view of the matter committed to them. With the report, Mr. H. introduced a bill for organizing, classing, and arming the militia, which was twice read by its title, and, with the report, ordered to be printed. The report is as follows:

The committee of the House of Representatives, to whom was referred so much of the President's Message as relates to the reorganization and classification of the militia, and the report of the acting Secretary of War, of the 16th ultimo, report herewith a bill for that purpose:

The organization of regiments, brigades, and divisions, has been adopted by the committee in opposition to very high authority, because it is the one which has heretofore been used in all the States, and because it appeared better suited to the tactics of the present day, than the new complex system of the legion, recommended by General Knox, in his report of 1790.

The mode of classification contained in the bill has been frequently recommended in the reports of committees of the House, and in those of the Department of War. The effects of this plan will be felt only when the militia are called into the service of the United States, and will not affect the constitution of the corps, as it now exists, for the ordinary duties of muster and discipline; the advantages of a system that will bring into the same corps, for the duties of the field, men of the same age and vigor, and throw the burden of military duty upon that class of citizens who would be enabled to perform it with fewer personal sacrifices, were the motives to its adoption.

The junior or middle class will be composed of men who have small families, or those who have none; who are in the full enjoyment of bodily strength and activity, and whose minds will be more easily excited to military ardor and the love of glory, than those of a more advanced period of life.

In the performance of the duty assigned them, the committee progressed thus far without difficulty; but they considered their task as barely commenced. An organization, however perfect, is but a single step towards the desirable object; the great difficulty to be encountered is the application of a system of discipline, or military instruction, to a great population, scattered over an immense territory.

The accomplishment of this object at once, is evidently not within the power of the Government. To instruct the present militia of the country to any useful extent, would require a larger portion of their time than they can possibly spare from the duty of providing for their families, unless they are liberally paid. To pay them, would absorb all the resources of the nation. The alternative appears to be, to direct the efforts of the Government to instruct such a portion of the militia as their means will allow, and which would produce the most beneficial result upon the whole mass; leaving to the effects of another system the gradual introduction of those military acquirements which, in a Republican Government, it is so essential for every citizen to possess. Acting upon this principle, and believing that the instruction which it is in the power of the Government to give, would be more usefully bestowed upon the whole of the officers and sergeants of the militia, than upon any particular class, the sections of the bill, which relate to this part of the subject, have been adopted by the committee. They have also considered it to be proper to annex some estimates of the annual expense of the system they recommend.

Although it may be considered, that by presenting a bill for the "organization and classification" of the militia, and the exposition of their motives which accompany it, the committee have performed the task assigned them by the resolution under which they acted; they have, nevertheless, believed it to be their duty to submit some further views, the result of their deliberations upon this important subject.

This course may be more excusable, as the committee have no hesitation in acknowledging that the plan embraced by the bill is a mere expedient; a choice of difficulties; a system, which although it will place the militia upon a much better footing than they have before stood on, yet is not likely to produce that great desideratum—that indispensable requisite in a Government constituted like ours—the diffusion of a military spirit and military information throughout the great mass of the people.

The part of the subject which still remains to be discussed, will be best understood by dividing it into two distinct propositions.

1st. Is it desirable that the whole male population of the United States, of the proper age, should be trained to the use of arms, so as to supersede, under any circumstances, the necessity of a standing army?

2d. Is it practicable?

The solicitude which has been manifested by the great men who have successively filled the office of Chief Magistrate of the United States, for the adoption of a system of military discipline for the militia, which would produce the effect contemplated by the

first proposition, sufficiently manifests their sense of its importance. The subject was often and warmly recommended by the Father of his Country, and, at an early period of his Administration, a plan for the purpose was proposed by the Secretary of War, and, being corrected agreeably to his suggestions, was submitted to the National Legislature. It is believed that objections to the expense and supposed difficulty of executing this plan, and not to its object, was the cause of its being rejected. Is the opinion, which prevailed at that period, that an energetic national militia was to be regarded as the capital security of a free Republic, less apparent at the present? Has anything since occurred, either in the history of our own or of any other country, to show that a standing "army, forming a distinct class in the community," is the proper defence of a Government constructed like ours? Do the events of the late war show that discipline is not necessary for the militia? Or does the present aspect of the political world afford so much security as to justify the indifference which prevails in providing an effectual national defence.

It is impossible that any American can recur to many of the events, and particularly to the concluding scenes of the late war, without feeling that elevation of mind which a recollection of his country's glory is calculated to produce.

There are, however, others, and not a few, that are eminently calculated to show that an immense sacrifice of blood and treasure can be distinctly traced to the want of discipline in the militia. The glorious success which, in several instances, crowned their efforts, was the result of uncommon valor, or of valor united with the advantage of a position suited to their peculiar character. The greater part of the American militia, accustomed from their early youth to the use of fire-arms, are doubtless more formidable than any other troops in the world, in the defence of a line or rampart. Victories in the field are gained by other qualities—by those disciplined evolutions which give harmony and concert to numerous bodies of men, and enable whole armies to move with the activity and address of single combatants. Let our militia be instructed, and America would be equal to a contest with the rest of the world united. The improvements which have been made in the art of war since the commencement of the French Revolution, give greater advantages to invading and disciplined armies, acting against those of a contrary character, than they before possessed. This arises from their increased activity, produced by the great multiplication of their light troops; the celerity of movement given to the artillery; and, above all, to the improvements in the staff, placing the subsistence of large armies upon a footing of security, beyond what was formerly supposed to be possible. An improvement in tactics, which gives advantages to the professed soldier who fights for conquest, over the citizen who bears arms only in defence of his country, is perhaps to be regretted, and no alternative is left to the latter, but to perfect himself in the same arts and discipline. It is believed that there is no instance on record of a Republic, whose citizens had been trained to the use of arms, having been conquered by a nation possessing a different form of Government. Small Republics have been overthrown by those which were more powerful, as Saguntum destroyed by Carthage, and Numantia by Rome; but it has been observed of those Governments that "walls and towers became their funeral piles—leaving nothing to their conquerers but their ashes."

The committee cannot conceive that any aspect, however pacific it may be, which the Governments of Europe may, for the present, have assumed towards this country, should be used as an argument to procrastinate, even for a day, any measure calculated to render their future hostility abortive. It cannot be believed that any real friendship can exist in the breasts of the sovereigns of that continent, for a Government which has been founded upon principles so opposite to theirs, and which, by the happiness it diffuses, affords an eternal satire and reproach upon their conduct. Whatever security there may be derived from their policy, none can certainly be expected from their forbearance, whenever, from a change of circumstances, they may think it proper to change their policy. The liberties of America must, then, be preserved as they were won—by the arms, the discipline, and the valor of her free-born sons.

But the defence of our country against a foreign enemy, does not constitute the only (perhaps not the chief) motive of military improvements, to the extent contemplated by the proposition we are considering. The safety of a Republic depends as much upon the equality in the use of arms among its citizens, as upon the equality of rights; nothing can be more dangerous in such a Government, than to have a knowledge of the military art confined to a part of the people—for sooner or later that part will govern.

The effects of discipline, possessed by a few, to control numbers without, is to be seen in all the despotic Governments of modern, as well as ancient times.

In general, however, the subjects of those despotic Governments, which preserve their authority by standing armies, are not allowed the use of arms; but the use of arms is not alone sufficient. A striking example of this is to be found in one of the Grecian Republics: The Spartans were enabled, by the force of discipline alone, to keep in subjection for ages the Helots, and other ancient inhabitants of Laconia. These men were not only allowed the use of arms, but, upon almost every occasion, formed the greater part of the Lacedemonian army; nor were they deficient in bravery; but they were not permitted to learn that admirable discipline which distinguished the Oplites, or heavy armed infantry of Sparta.

Another important consideration, urging the diffusion of a military spirit among our citizens, is the counterpoise it will afford to that inordinate desire of wealth which seems to have pervaded the whole nation, bringing with it habits of luxury, manners and principles highly unfavorable to our Republican institutions.

The first effect of this state of society, is the substitution of a standing army for a national militia. Upon this subject, the committee beg leave to make a quotation from the report of General Knox, corrected by President Washington. "It is," says the patriotic Secretary, "the introduction of vice and corruption of manners into the mass of the people, that renders a standing army necessary. It is when public spirit is despised, and avarice, indolence, and effeminacy of manners, predominate, and prevent the establishment of institutions which would elevate the minds of the youth in the paths of virtue and honor, that a standing army is formed and rivetted forever." So true is the principle here contended for, that it is believed there is no instance in history, of a nation losing its liberties where the military spirit of the people did not decline in the same proportion that the corruption of manners advanced. Nor was any free Government

ever overturned by an internal convulsion, until the destruction of that spirit had been first produced in the body of the people. It was not until the amusements of the theatre, the baths, and the public gardens, had superseded the exercies of the Campus Martius, that a Roman army dared to revolt against its country, and with the power of the sword to substitute for its free institutions the arbitrary will of a dictator. Eighty years before the successful usurpation of Cæsar ,the revolt of an army could have produced no such consequence.

But the habits of the people had been changed; no longer in every Roman citizen was to be found a trained and practised soldier; the higher tactics were cultivated, indeed, with zeal and success by a martial nobility. No period had been more prolific of great generals. At none had the discipline of the legions been so perfect; but they were no longer filled by citizens taking their routine of service. The military had become a distinct profession; composed of men who, in the habits of war and pillage, had forgotten the sacred obligations attached to their character as citizens, and who were ever as ready, upon the suggestion of their leader, to turn their arms against their country, as the enemy whom they were raised to oppose.

As, in every age, then, and in every country, the same cause will produce the same effects, the palladium of American liberty must be the diffusion of military discipline and military spirit through the whole body of the people.

But, secondly—Is the object attainable?

That it is not attainable by any of the systems which have heretofore been in use in the United States, is very evident, from the little success which has attended them. The late war repeatedly exhibited the melancholy fact of large corps of militia going to the field of battle without understanding a single elementary principle, and without being able to perform a single evolution. Yet militia laws must exist, and have existed, in all the States since the war of the Revolution, which set apart with great precision a number of days in each year, for the purposes of training and discipline. But, from this plan, no good fruit has ever been produced. It was an error, indeed, common to all the militia systems in use in the United States, that the periods for training were too short and too distant from each other to produce much benefit.

To remedy this defect, camps of discipline have been recommended. One of the reasons which governed the committee in rejecting that part of the Secretary of War's recommendation has been explained above; but if that objection could be overcome, the committee are far from thinking that the object could at all be accomplished in that way. There is another more formidable obstacle to success; more formidable, because it arises from the nature of our Government, and the constitution of the human character. The sentiments and habits of a free country necessarily produce amongst the citizens a superior restlessness under restraint, than is to be met with in the subjects of a monarchy. This spirit frequently manifests itself even in a career of military services where the high interests involved, (and in which they largely partake,) and the evident necessity of discipline, might be supposed able to correct it. There can scarcely be a restraint more vexatious and disgusting to a grown man, than the initiatory lessons of the military art. Military discipline consists in the observance of a number of minute particulars, which, to the novitiate in arms, have no apparent object; but which form the links of a beautiful and connected system. It is believed that, to this cause, is to be attributed the little progress which has been made in training the militia of the United States; nor is there much prospect that any change of system could, with regard to the present militia, produce the result at which we aim.

In searching for landmarks to guide us to our object, it will be in vain that we direct our attention to the modern nations of Europe; from them we can borrow nothing to aid our purpose—Governments formed upon artificial distinctions in society—which estimate their security by the inability of their subjects to resist oppression, can furnish a free people with no guides in organizing a system of defence which shall be purely national. We are, however, not without resource.

The ancient Republics, from which we have drawn many of the choicest maxims upon which to found our civil institutions, will furnish also a most perfect model for our system of national defence. The whole secret of ancient military glory—the foundation of that wonderful combination of military skill and exalted valor which enabled the petty Republic of Athens to resist the mighty torrent of Persian invasion; which formed the walls of Sparta, and conducted the Roman legions—influenced, indeed, by unhallowed motives—to the conquest of the world, will be found in the military education of the youth. The victories of Marathon and Plataæ, of Cynocephele and Pydna, were the practical results of the exercises of the Campus Martius and Gymnasia. It is on a foundation of this kind, and of this kind only, that an energetic national militia can be established.

"An examination into the employments and obligations of individuals comprising the society," says General Knox, "will evince the impossibility of diffusing an adequate knowledge of the art of war by any other means than a course of discipline during the period of non-age; the time necessary to acquire this important knowledge, cannot be afforded at any other period of life with so little injury to the public or private interests." Nothing is more true than what is here advanced, and it is most singular that the amiable and patriotic Secretary should have founded his plan upon a course of instruction to commence within the limits of non-age, indeed, but at so advanced a period of it, that all the objections which could be made to the disciplining at a more advanced age will apply equally to it, with the addition of others which are more cogent, and which are supposed to be inherent in the system itself. Of his advanced corps, composed of the youth of eighteen, nineteen, and twenty, years of age; those of eighteen and nineteen are to be drawn out for thirty days in each year; and those of twenty, for ten days, to be instructed in camps of discipline.

It has been strongly urged against this plan, that the separation of the youth at that critical age, from the superintending vigilance of their parents and guardians, would be a very dangerous step, and that the loss of time from the pursuit of their professions and occupations would prove to them a most serious evil.

Whatever force there may be in these objections, the committee are fully persuaded that the improvement to be derived from the execution of this plan would not compensate for the expense and loss of time it would occasion. The perfection of discipline as it regards the soldier is the grace, the precision and address, with which he performs certain evolutions. To arrive at this perfection, long-continued practice is essential.

And, since it must be evident that the time necessary for this purpose cannot be taken from the avocations of our citizens, after they have arrived at the age of manhood, the only alternative is to devise a system of military instruction, which will be engrafted on and form a part of the ordinary education of our youth.

The organization of a system, thus extensive in its operations, must necessarily be a work of some time and difficulty. The want of statistical information will prevent the committee from submitting to the House, at this time, more than the outline of their plan. It is embraced in the following propositions:

As the important advantages of the military part of the education of youth will accrue to the community, and not to the individuals who acquire it, it is proper that the whole expense of the Establishment should be borne by the public Treasury.

That, to comport with the equality which is the basis of our Constitution, the organization of the Establishment should be such as to extend, without exception, to every individual of the proper age.

That, to secure this, the contemplated military instruction should not be given in distinct schools, established for that purpose, but that it should form a branch of education in every school within the United States.

That a corps of the military instructers should be formed to attend to the gymnastic and elementary part of education in every school in the United States, whilst the more scientific part of the art of war shall be communicated by professors of tactics, to be established in all the higher seminaries.

The committee are fully aware that the establishment of an institution, which from its nature is calculated to produce an important change in the manners and habits of the nation, will be received with caution and distrust by a people jealous of their liberties, and who boast of a Government which executes its powers with the least possible sacrifice of individual rights. An encroachment upon individual rights forms no part of their system. It is not a conscription which withdraws from an anxious parent a son for whose morals he fears more than for his life. It is not a Persian or Turkish mandate to educate the youth within the purlieus of a corrupt Court, but a system as purely republican in practice as in principle.

The means are furnished by the Government, and the American youth are called upon to qualify themselves, under the immediate inspection of their parents, or of tutors chosen by their parents, for the sacred task of defending the liberties of their country.

Although the system of General Knox widely differs from that which has been recommended by the committee, his opinion of the effects to be produced by it is conceived to be more particularly applicable to the latter. "If the United States," says he, "possess the 'vigor of mind to establish the first institution, for the 'military instruction of the youth, it may reasonably 'be expected to produce the most unequivocal advan-'tages. A glorious national spirit will be introduced 'with its extensive train of political consequences. 'The youth will imbibe a love of their country, rever-'ence and obedience to its laws, courage and elevation 'of mind, openness and liberality of character, accom-'panied by a just spirit of honor. In addition to which, 'their bodies will acquire a robustness greatly condu-'cive to their personal happiness; while habit, with 'its silent, but efficacious operations, will durably 'cement the system."

That the House may possess the information necessary to act upon this important subject, the committee respectfully recommend the adoption of the following resolution:

Resolved, That the Secretary of War be required to prepare and lay before this House, at the next session of Congress, a plan for the military instruction of all the youth of the United States, in the way which is best calculated for the purpose, with as little injury as possible to the ordinary course of education.

THE COMPENSATION LAW.

The House proceeded to consider the amendments reported from the Committee of the whole House, to the bill allowing compensation to the members of Congress and delegates from Territories and to repeal all other acts contrary thereto; and the said amendments being again read as follows, to wit:

"Fill the several blanks in the bill with the word 'six.' So as to allow a compensation of 'six' dollars per day to each Senator, Representative, and Delegate; a like sum of 'six' dollars for every twenty miles of the estimated distance from his place of residence to the seat of Congress, and returning to his said residence, as also six dollars per day each, to the President pro tempore of the Senate, and to the Speaker of the House of Representatives, in addition to their pay as members of their respective Houses:"

And, on the question, "Will the House concur with the Committee of the whole House in their said amendments?" being stated,

Mr. CALHOUN said, that he hoped the House would not agree to fill the blanks with six dollars, as reported by the Committee of the Whole. He had remained silent thus long, not that he agreed with those who thought this a trivial question, but because he was anxious, in ultimately making up his mind, to profit by the observations of others. He had, however, finally adopted the course which he intended to pursue. If the blank was filled with a sum fully equal to the present pay, he would vote for the bill on its passage, not that in itself he preferred the daily to the annual pay; for on that point his opinion remained unaltered. He believed the latter for several reasons, which would not be repeated, to be of itself preferable. The daily, however, had one advantage at present over the other mode; it had a greater prospect of being permanent. If the pay, said he, is left in its present form, it will most certainly be repealed by the next Congress, whatever may be the feelings of a majority of that body, as to the mode or the amount of pay. They will not be free agents; most of them being already committed in the canvass for a seat in this House. But should the mode be changed, and the amount retained, the very men who have turned out the most of us, who have been the agitators in the late elections, will in all probability become the pacificators. For we may be perfectly assured of the fact, that the feelings of those gentlemen are very different now and before the elections. If you change the mode, they will seize the opportunity, and assert that you have now done what ought originally to have been done. Should the blank not be filled with

an adequate sum, say nine or ten dollars a day' he would vote against the passage of the bill, so as to retain the present law; but if it must come to a repeal, he would prefer it to take place after the 4th of March, so as to leave the subject entirely open for the next Congress. Such was the course that he would pursue.

It had more than once been said that this is not an important subject. If the observation was made in reference to the members who now composed this body, he would readily assent. To them it is a trivial subject. They are free agents, and if they find the sacrifice too considerable, they can at any moment return to those private pursuits, so much more profitable, and, in many respects, desirable. We, then, as individuals, have no right to complain, should the pay be reduced to the smallest amount. But there is another aspect of this subject of a very different character. The question of adequate or inadequate pay to the members of Congress is, if he was not greatly mistaken, intimately connected with the very essence of our liberty. This House is the foundation of the fabric of our liberty. So happy is its constitution, that in all instances of a general nature, its duty and its interests are inseparable. If he understood correctly the structure of our Government, the prevailing principle is not so much a balance of power, as a well-connected chain of responsibility. That responsibility commenced here, and this House is the centre of its operation. The members are elected for two years only; and at the end of that period are responsible to their constituents for the faithful discharge of their public duties. Besides, the very structure of the House is admirably calculated to unite interest and duty. The members of Congress have in their individual capacity no power or prerogative. These attach to the entire body assembled here, and acting under certain forms. We then as individuals are, said Mr. C., not less amenable to the laws which we enact, than the humblest citizen. Such is the responsibility, such the structure, such the sure foundation of our liberty. If we turn our attention to what are called the co-ordinate branches of our Government, we find them very differently constructed. The Judiciary is in no degree responsible to the people immediately. To Congress, to this body, is the whole of their responsibility. Such, too, in a great measure, is the theory of our Government, as applied to the Executive branch. It is true the President is elected for a term of years, but that term is twice the length of ours; and, besides, his election is in point of fact, removed in all of the States three degrees from the people; the Electors in many of the States are chosen by the State Legislatures, and where that is not formally the case, yet it is in point of fact effected through the agency of those bodies. But what mainly distinguishes the Legislative and Executive branches, as it regards their *actual* responsibility to the people, is the nature of their operation. It is the duty of the former to enact laws, of the latter to execute them. Every citizen of ordinary information is capable, in a greater or less degree, to form an opinion of the propriety of the law; and consequently whether Congress has or has not done its duty; but of the execution of the laws, they are far less competent to judge. How can the community judge whether the President, in appointing officers to execute the laws, has in all cases been governed by fair and honest motives, or by favor or corruption? How much less competent is it to judge whether the application of the public money has been made with economy and fidelity, or with waste and corruption! These are facts that can be fully investigated, and brought before the public by Congress, and Congress only. Hence it is that the Constitution has made the President responsible to Congress. This, then, is the essence of our liberty; Congress is responsible to the people immediately, and the other branches of Government are responsible to it. What then becomes of the theory of the Government, if the President holds offices in his gift, which, as it regards honor or profit, are more desirable than a seat in this House, the only office immediately in the gift of the people? Here Mr. C. checked himself. He found himself, he said, committing an unpardonable error, in presenting arguments to this body. The ear of this House on this subject, said he, is sealed against truth and reason. What has produced this magic spell? Instructions! Well, then, has it come to this? Have the people of this country snatched the power of deliberation from this body? Have they resolved the Government into its original elements, and resumed to themselves their primitive power of legislation? Are we then a body of individual agents, and not a deliberate one without the power, but possessing the form of legislation? If such be the fact, let gentlemen produce their instructions, properly authenticated. Let them name the time and place at which the people assembled, and deliberated on this question. O no! they have no written, no verbal instructions; but they have implied instructions. The law is unpopular, and they are bound to repeal it, in opposition to their conscience and reason. Have gentlemen reflected on the consequences of this doctrine? Are we bound in all cases to do what is popular? If it is true, how are political errors, once prevalent, ever to be corrected? Suppose a party to spring up in this country, whose real views were the destruction of liberty; suppose that by management, by the patronage of offices, by the corruption of the press, they should delude the people, and obtain a majority—and surely such a state of things is not impossible—what then will be the effect of this doctrine? Ought we to sit quiet? Ought we to be dumb? or rather ought we to approbate, though we see that liberty is to be engulphed? This doctrine of implied instructions, if I am not mistaken, is a new one, for the first time broached in this House; and, if I am not greatly deceived, not more new than dangerous. It is very different in its character and effects, from the old doctrine that the constituents have a right to assemble and formally

to instruct the Representative; and though I would not hold myself bound to obey any such instructions, yet I conceive that the doctrine is not of a very dangerous character, as the good sense of the people has as yet prevented them from exercising such a right, and will, in all probability, in future prevent them. But this novel doctrine is of a far different character. Such instructions may exist any day and on any subject. It may be always at hand to justify any aberration from political duty. Mr. C. would ask its advocates in what do they differ in their actions from the mere trimmer, the political weathercock? It is true, the one may have in view his own advancement, in consulting his popularity; and the other may be governed by a mistaken but conscientious regard to duty; yet, how is the country benefitted by this difference, since they equally abandon the plain road of truth and reason, to worship at the shrine of this political idol. It was said by a member from Massachusetts (Mr. CONNER) that this right of instruction is only denied in monarchies, and, as a proof of it, he cited the opinion of Mr. Burke, whom he called a pensioner, at the Bristol election. So far is he from being correct, that in none of the free Governments of antiquity can he point out the least trace of his doctrine. It originated in the modern Governments of Europe, particularly that of Great Britain. The English Parliament had, at its origin, no other power or duty, but granting money to the Crown; and as the members of that body were frequently urgently pressed to enlarge their money grants, it was a pretty convenient excuse to avoid the squeeze, to say they were not instructed. The gentleman was incorrect in calling Burke a pensioner at the time he delivered the celebrated speech at the Bristol polls. Burke at that time, whatever may have been his subsequent character, was a first rate champion in the cause of liberty, and of *this* country; and if the gentleman would recur to the points in which he refused to obey the instructions of his constituents, it will not greatly increase his affection for such doctrines. That mind must be greatly different from mine, said Mr. C., who can read that speech, and not embrace its doctrines.

I too, said Mr. C., am an advocate for instruction. I am instructed. The Constitution is my letter of instruction. Written by the hand of the people, stamped with their authority, it admits of no doubt as to its obligation. Your very acts in opposition to its authority, are null. This is the solemn voice of the people, to which I bow in perfect submission. It is here the *vox populi* is the *vox Dei*. This is the all-powerful creative voice which spoke our Government into existence, and made us politically as we are. This body is the first orb in the political creation, and stands next in authority to the original creative voice of the people; and any attempt to give a different direction to its movements, from what the Constitution and the deliberate consideration of its members, point out, I consider as an innovation on the principles of our Government. This is necessary to make the people really happy; and any one invested with public authority, ought to be as sensibly alive to the people's happiness, as some gentlemen wish the House to be to mere popularity. He knew that such was the structure of our Government, that the permanent feeling of the community would impress itself on this House. He rejoiced that such was the fact, as there would be no security for liberty were it otherwise. The sense of the people, said he, operating fairly and constitutionally through elections, will be felt on this very subject, at the very next session; but surely the question by whom the repeal is to be effected, is one of no slight importance. It can by our successors, if they think proper, be at least consistently done; by us it cannot. Should we reduce it to the old rates, when it is well known that the sense of a great majority of this House is wholly averse to it, besides the great loss of individual character which we must sustain, it is calculated to bring into suspicion all political characters, to the great injury of the public. You may rely on it, the public wish and expect us to act by the convictions of our mind and will, not to tolerate the idea that either on this or any other important occasion you are acting a part, and that you studiously shape your conduct to catch the applause of the audience. Mr. C. said he hoped he would not be misunderstood; that while he combatted the idea that we are bound to do such acts as will render us popular, for such he understood the doctrine, we are to overlook the character of those for whom we were to make laws. This was most studiously to be regarded. The laws ought, in all cases, to fit the permanent and settled character of the community. The state of public feeling, then, is a fact to be reckoned upon, and to receive the weight on any particular question to which it may fairly be entitled. But, for his part, he preferred that erectness of mind which, in all cases, felt disposed to embrace what was, in itself, just and wise. Such characters he thought more useful, under our form of Government, than any other, and were more certain of the applause of after ages. If he was not mistaken, it constituted the very essence of the admired characters of antiquity, such as Cato, Phocian, and Aristides; and if we could conceive them divested of this trait, they would cease to be the objects of our admiration.

Mr. C. said, taking it for granted that he had succeeded in proving that this House was at liberty to decide on this question according to the dictates of its best judgment, he now would resume the argument where he had dropped it. He had proved that this House is the foundation of our liberty; that it is responsible to the people for the faithful discharge of its duties, and that any other branch of Government is responsible to it as the immediate Representatives of the people; and that it is essential to the fair operation of the principles of our constitutions, that this body should not be in any degree under the influence of the other branches of the Government. How then stood the fact? He begged that no

one would attribute to him factious views. He would speak in relation to no particular measures or men. He wished simply to execute general principles; to speak to the constituents and the laws. How, then, he repeated, is the fact? Are there not in the power of the President a multitude of offices more profitable, and many both more profitable and honorable in public estimation than a seat in this House—the only office in the General Government in the gift of the people? Have we not seen, in many instances, men attracted out of this House to fill subordinate Executive offices, whose only temptation was pay; and what is far more dangerous, in every respect much more to be dreaded, do we not see the very best talents of the House, men of the most aspiring characters, anxious to fill the departments on foreign missions? Let me not be understood to throw blame on them—the fault is not so much in them as the system. Congress, then, is only the first step in the flight of honorable distinction. So high the people can raise the aspirant, to go beyond, to rise to the highest, the Executive must take him by the hand. On what side then must his inclination be? On the side of his constituents, who can do no more than to keep him where he is, or that of the Executive power, on whom his future hope must depend? Setting corruption aside, which he believed had made no inroad on us, but take human nature as it is, can you expect, with ordinary virtue, that vigilant and bold oversight over the Executive power which the Constitution supposes, and which is necessary to coerce a power possessed of so much patronage? He was aware the evil was difficult to be cured. It was the opinion of some, that no member of either House ought to be capable of being appointed to any office for the term for which the President is elected. It is worthy of reflection. For his part, but one objection occurred to him which he could not surmount. He feared, that so long as the Executive offices which he had mentioned, continued to be more desirable than a seat in the House, it would tend still further to depress the Legislature. The best materials for politics would systematically avoid Congress, and approach Executive favor through some other avenue. Whether this or some other plan be adopted in part, he was confident it was necessary to make a seat in Congress more desirable than what it is even at the present pay. What sum was sufficient for that purpose he stated last year in debate, and had only to regret that the country did not see the same necessity with him on this point. Gentlemen say we ought to come here for pure patriotism and honor. It sounds well; but, if the system be adopted to its full extent, there will be found neither patriotism nor honor sufficient for continual privations. We must regard human nature as it is, said Mr. C., and particularly that portion for whom we legislate. Our countrymen, with many admirable qualities, are, in my opinion, greatly distinguished by the love of acquisition, I will not call it avarice, and the love of honorable distinction. He objected to neither of these traits. They both grew necessarily out of the character of our country and institutions. Our population advances beyond that of all countries; marriages in all conditions of life take place at an early period. Hence, the duty imposed on almost every one to make provision for a growing family. Hence, our love of gain, which, in most instances, is founded on the purest virtues. The love of distinction is not less deeply fixed. In a country of such blended qualities, reliance ought not to be had wholly on honor or profit. They ought to be blended in due proportion. The truth is, that no office requiring long continued privations, will be honored, unless duly rewarded, for it ceases to be an object of pursuit. If these views be correct, the effect of an adequate reward is not only to attract talent to the place where it is most needed, the Legislature, but you make it more stationary there, and what is more essential, place it more beyond Executive control; and thus realize the full effects of the theory of your Government. The additional expense would not be felt; and he knew of no other objection, which had the least plausibility, except that we cannot plead the example of any other country, and that it is calculated to produce too much competition for a seat in Congress. He acknowledged the want of example in other countries, and he thought it worth serious investigation, what effect it had had on the permanency of their liberties. But why should we look for examples either to the State Legislatures or to other countries? In what other instance has the duties of legislation involved so great a sacrifice of time and domestic pursuits? Compare our services here, with that of a judge, or most Executive officers, and they will be found not less burdensome. Nor did he fear that the competition for a seat in Congress would be too animated. He believed a sharply contested election, if corruption did not enter, was of public advantage. It brings the proceedings of this body more fully before the people, and makes them much better acquainted with their interest. It even makes a seat here more honorable in public estimation. Nor was he afraid that competitions would produce corruption. Fifteen hundred or two thousand dollars a year would not be sufficient for this purpose. An election to Congress was, in this respect, more safe than that to a State Legislature; as it requires so many more to elect to the former than the latter. This security grows with the increasing growth of the country; as the number of constituents will, relatively to the representatives, increase. There were other and important considerations, connected with a just pay to the members of this body; but as they had been fairly presented by the report of the committee, he would not fully discuss them. By an inadequate pay, you close the door of public honor on some of the most deserving citizens. Talents in this country are principally from the middling and lower classes. These, in fact, constitute the great body of the community. A young man of talents spends his property and time to acquire sufficient information to pursue a profession. He proves worthy of public confidence;

ought he not to receive indemnity for the application of his time and talents to the service of his country? It would be economy with a vengeance to exclude all such from the floor of legislation, or to make them mere political adventurers, who would enter here only for further promotion. The extent of our country, said he, points another and powerful reason why the pay should be respectable. No one is fit for legislation, who does not constantly bear in mind that our Republic is distinguished from all other free countries that has ever existed, by the extent of our territory. While we derive from this distinction many advantages, we are liable to great and menacing dangers. While we behold our growth with pride, it must at the same time impress us with awe. It is our duty to overcome space by every effort in our power. We ought to attract suitable talents from the most distant part of our Republic by a full and generous allowance. Distance itself constitutes a great objection to many to perform the duties of this body. Should the men who by nature and study are endowed with requisite qualities for public service, be forced by a miserable parsimony either to direct their talents to private pursuits, or to affairs of the respective States, and men of inferior capacity be sent to this body, who can measure the public misfortune? What could tend more powerfully to dissever this Union? Some have taken up the idea, as extraordinary as it may seem, that the increased pay to the members is in its nature aristocratical. What! is it aristocratical to compensate the public servant for his services to the public? Can it be considered as favoring the power of a few, to extend the power and influence of the people in the affairs of the General Government? It enables them to select the best talents for their own immediate service. It raises them in the scale of influence, by causing the most shining and aspiring talents to be dependent on them for promotion and honor. It makes their service more desirable than that of Executive employment; and by a simple process enables them through their immediate agents, this House, to hold a controlling power over any department of the Government. Such is the aristocratical tendency of this reprobated measure. Mr. C. said that he might extend his observations much farther on this most important subject; but so much had been well said by others that he would abstain. He must however present to the House a reason which he believed had not as yet been touched on; he meant the happy effect, which an adequate compensation would have on the tone of parties in our country. Make a seat in Congress, what it ought to be, the first post in the community, next to the Presidency, and men of the greatest distinction in any part of the country will seek it. The post then of honor and distinction being in the people, and not in the President, will be open to all parties in proportion to their ascendency in the Union. That entire monopoly of honor and public profit by the majority will not be experienced, which must be felt, when the honors of the country are principally in the hands of the Chief Magistrate. Those who best understand our nature can the most fully appreciate the consequences. Although it may not abate the heat of party, it will greatly affect their feelings towards our happy political institutions.

Mr. CALHOUN, was followed by Mr. WHEATON.

Mr. SOUTHARD, of New Jersey, said, the question before the House was not that of refunding, confession, pardon, or absolution. He had no confessions to make, or pardon to ask; he had received no instruction from his constituents, and therefore stood on independent ground. The question, he understood, was on agreeing to the report of the Committee of the Whole, to fill the blank with six dollars. In Committee he had the honor to move to fill the blank with that sum; and although he considered the decision of the question doubtful, yet he hoped the House would sustain the report, as, notwithstanding all that honorable gentlemen had said against it, he was not ashamed of his motion; nor shall I, said Mr. S., abandon it, until a majority of this House shall decide against it.

Mr. S. said, he understood that the primary object of the members who advocated the compensation law, was to bring into Congress men of the first talents in the nation, and to retain them there. Did I believe, said Mr. S., that high salaries would have that effect, perhaps I might unite with them in the measure, but, having always entertained a different opinion, must beg leave to dissent from them.

Gentlemen had said that, unless the wages of members were raised, the best men in the Legislature would be induced to leave Congress and accept of Executive appointments. Mr. S. said, he had no kind of objection that the President should induce men of the best talents in Congress to leave it, and fill more important appointments—such as Judges of the Supreme Court, Heads of Departments, Ministers Plenipotentiary to foreign nations, &c. When men came into Congress, from private or rather obscure circles, and were found to possess pre-eminent talents and qualifications, and particularly qualified for some important office, it was proper that they should be called to fill those offices for which they were so well qualified. How should the Executive otherwise become acquainted with men of talents? He could not know them until they appeared in public. Mr. Speaker, before I sit down I will endeavor to assign a reason for the opinion I have advanced, and also very briefly state some of the motives that induced me to vote against the passage of the compensation bill, and which will have a commanding influence on my mind in determining the vote that I shall now give.

Soon after the organization of this Government, Congress passed a law to pay its members six dollars per day. This act was passed in the year 1789, and expired by its own limitation in 1796, when Congress again took up the subject of pay, and two propositions were discussed, one for an annual salary, the other a per diem allowance of six dollars—the latter prevailed. Some of our citizens had considered the wages of the members too high, and had petitioned Con-

gress to reduce their pay. Gold and silver was then the main currency of our country, and, as the wages were by some of our citizens deemed extravagant, murmuring and discontent prevailed amongst the people. But it soon subsided, and Government went on well, and men of talents and useful information formed the councils of our nation; whether it was interest, honor, or patriotism, or all of them combined, he should not pretend to ascertain.

Mr. S. said it was an undeniable fact that, from the year 1796, the date of the six dollar act, to the year 1816, Congress had never been deficient in talents; and, sir, I speak it with pleasure and some degree of national pride, that, in my humble opinion, I have never witnessed within the walls of Congress Hall more men of brilliant and useful talents than I see this day within these walls. Sir, during the term of twenty years the pay of the members of Congress has been six dollars per diem; and the scenes through which we have passed, prove that the Legislature of the United States has been competent to all the purposes of Government. Europe has been convulsed to its centre, and America has felt the shock, but is now settled down into a peaceful calm.

Thus Government went on well for the space of twenty years; and I did believe, and do still believe, that it was bad policy to pass any law that would tend to interrupt or mar that mutual confidence that had so long subsisted between the people and their Representatives.

Notwithstanding the able and lucid report of the committee on that subject, Mr. S. said he retained the same opinion that he did when the compensation bill passed the House, and said he was the more confirmed that his first impressions were right, from what had since taken place; for the law had been denounced from Georgia to Maine—from one end of the continent to the other—not only by mobs and factions, as had been represented by some members of this House, but by Legislatures in solemn form, and grand jurors around the altars of justice. Sir, the people have been too much irritated and agitated by misrepresentation and falsehood, and I am sorry to say that a lying spirit has gone forth, striving in its course to fasten ignominy on the foes of the law, as well as on its friends; and such has been its effect, that I will venture to say that not a member in this House has escaped censure in a greater or less degree—not even the President of the United States has escaped. One thing, sir, we are well assured of, the voice of the great mass of the people has been strongly and clearly expressed, and I regret that any portion of our citizens should have been styled a faction for having freely expressed their opinion on a subject in which they feel so much interest.

Mr. S. said, he regarded the voice of the man at his cart and his plough, as much as he did the voice of him who riots in luxury and rolls in his gilded trappings. Sir, our Government is Republican, and founded on the opinion of the People; the yeomanry, the mechanic, and laborer, feel a deep and lively interest in the measures of Government, and Government has a dependent interest on them—for the King himself is selved of the field, and the strength of the Prince is his people.

Mr. S. said, that it is well known that money is by no means of the same value that it was twenty years ago, and he was well assured that many honorable members of this House make a great sacrifice, when they leave their professions, occupations, and domestic concerns; but he considered it as a free-will offering, and their constituents and their country would hold their services in grateful remembrance when their heads are laid in the dust.

Sir, said Mr. S., we have a considerable national debt to pay; times are hard in various parts of the country; taxes are high, money scarce, and but little or no produce to carry to market. The tide of popular opinion is running strong against high salaries, and extravagance of every kind. But, notwithstanding this is the case, the people are willing to pay the public debt, even if it were ten times as much as it really is. The glorious achievements of the late war have sealed the destinies of this country, perhaps for centuries to come, and the Treaty of Ghent has secured our liberties, and established our national independence, and placed this nation on high and honorable ground.

Mr. S. said, influenced by considerations like these he had mentioned, he voted against the passage of the compensation act, without the least hesitation, from a full conviction of the impropriety of the measure, and now felt himself bound for the same reasons to vote for a repeal of the law, and in favor of the report of the Committee of the Whole, and to bring back the pay to six dollars.

Mr. S. said he had not been instructed by his constituents, but did believe that his opinion on this subject coincided with the public will, and, therefore, was uninfluenced by anything contrary to his own judgment; nor had the Legislature of New Jersey instructed their Senators, or required their Representatives to do anything on this subject. They were attending to their concerns, leaving Congress to transact their own business in their own way.

One observation more. In regard to information given to the House a few days since by the honorable member from Maryland, (Mr. Wright,) in his speech on the subject, he observed, that wheat in Baltimore was selling for three dollars and a quarter a bushel, and therefore contended that the wages of members ought to be raised. Sir, I draw a very different conclusion from the fact. God, in his providence, has been pleased, in a great measure, to blast our crop of grain, and perhaps where there is one to bring bread to market, there may be one hundred to buy. Thus dear and scarce, how are the poor to obtain it? But have it they must. He hoped the report of the Committee of the Whole would be agreed to.

Mr. Culpeper said, after the observations of the gentleman from South Carolina, (Mr. Calhoun,) so full of good sense and sound reasoning,

he certainly would vote on this subject without making any remarks, if he had given a silent vote on the passage of the compensation bill last session; but having spoken and voted for it at that time, he rose to express his opinion on the present occasion. Every man in public life, said Mr. C., has, or should have, some guide, by which his conduct is directed in the discharge of his public duties. But two rules have ever been recommended; first, the judgment and conscience of the Representative; and, second, the opinion of his constituents, or their instructions.

To ascertain the most correct rule, and firmly adhere to it, has been an object of primary importance with me; and, although I may not have formed a correct and proper rule, I have found one which my judgment approves, and from which I have never intentionally departed, and I hope I never shall; and I claim the indulgence of the House till I describe this rule, and offer some of my reasons for the votes I expect to give upon the bill now before us.

More has been said, in the course of debate upon this subject, both for and against the right of the people to instruct their Representatives, and the obligation of the Representatives to obey, than I can subscribe to. Under every form of government, and especially such a government as ours, formed by the whole community, for the mutual benefit of the people and their rulers, and conducted by men selected from the mass of society, public opinion will have, and should have great force. It will not only influence the conduct of individuals in a community, but the formation of its laws. Unity of interest and mutual confidence in the people and their rulers, is the strongest cement in political society, and surest guarantee of civil liberty; and it is both the interest and the duty of legislators to cherish that confidence. A desire to avoid the censure, or gain the applause of the public, is a laudable one; few sacrifices are too great to make to public opinion; and legislators may usually conform their systems to what the humor of the people will bear; but the right of judging what is proper and just, never should be resigned, and, if asked, should be resisted with firmness. Rulers should pursue a correct, consistent, fair, and honorable course, and never surrender their own judgment to popular opinion; they should conscientiously oppose what they deem to be injurious to society, and give the public information upon every important subject of legislation, to prepare them to judge correctly; then, and not till then, public opinion may be expected to produce its best effects. Whether this is not true, let those who are accustomed to view men and things with an impartial eye, determine, and they will find that falsehood and misrepresentation, if believed to be true, have all the effects of the most solemn and important truths. These effects are not confined to the thoughtless and ignorant, but extend to the whole mass of society—to the best of men. This has never been more apparent than in the effects produced by the compensation bill of last session. And what caused this great excitement? This country has long been divided into two great political parties, and both have their party printers, who are fond of exercising all the influence they possess. Both parties seized the compensation bill, as a measure that would produce murmuring and discontent, and attempted to wield it to their advantage. The Republicans charged it to the Federalists; because, said they, although more Republicans than Federalists voted for it, yet a greater proportion of Federalists than Republicans supported it. This is unquestionably true; but whether it proceeded from grovelling avarice, or honorable independence, I leave the public to determine. The Federalists charged it to the Republicans, and said, gentlemen, you have a great majority, and never lose a bill you desire should pass, nor suffer a bill to pass except you desire it. This is as certainly true; but whether they were in this single case overruled by the minority, or wished the passage of a bill they were unwilling to vote for, I will not say. One thing I can say, and I assert it without fear of contradiction, that, in the Committee of the Whole, where no record is kept of the votes, not more than twenty-two or twenty-three voted against the bill, and most of that number had too much respect for the majority to say one word against the bill, but rose in their place to be counted. What arguments they heard, or what reasons they had to vote against it in the House, I know not; but when the ayes and noes were called for, sixty-seven recorded their names against the bill, and many others either could not or would not vote for it.

Posterity will decide who acted the most firm and consistent part: those who voted for it in Committee and against it in the House, or those who supported it from first to last. For, unimportant as this measure was of itself, the public clamor and our conduct here, has made it interesting and important, and we have immortalized our names.

I voted for the bill, and I do not regret it; nor do I lament the passage of the bill. I believed it just to increase the compensation, and determined to act a firm and consistent part. I did not shrink from my share of the responsibility. I could not desert the honorable gentleman from Kentucky, (Mr. JOHNSON,) who, when he reported that bill, expected the support of four-fifths, if not nine-tenths, of the members, in its passage through the House.

But to return to the party printers. When, too late, they and the party candidates discovered their mistake, and found this weapon, like a two-edged sword in unskilful hands, which cut both friends and foes; they perceived they could not stop the machine, and it produced effects they never intended; it raised a great cry against the bill, and produced more excitement than any other measure of the General Government. Nothing would justify a description of these effects, if public opinion was not urged as a reason for repealing the bill, and reducing the compensation to six dollars per day, contrary to the deliberate judgment of a great majority of this House. But

as this is urged, and gentlemen have informed us what their immediate constituents have said and done upon this subject, I may be permitted to relate what came under my notice.

My constituents gave me no instructions upon the subject. They did, as individuals, complain not only of the mode, but, what they called, the great amount of the compensation. A learned and respectable clergyman said to me, "we never 'can expect to pay our public debt, all the taxes 'will be required to pay the salary of members; 'the revenue collected in this district (and it is 'supposed to be from sixty to ninety thousand dol-'lars) will be necessary to pay Mr. Culpeper."

I asked him, how did you obtain that information? He replied, a person, and I think he named a Judge of the Supreme Court, made the calculation, and it amounted to nearly thirty thousand dollars per day. I rejoined, do you understand the subject, and know what you say? Do you know the difference between what we formerly received, and what we now receive under the compentation bill of last session? He said, not precisely, but it must be very great. I then informed him that during the two years of the thirteenth Congress, I received under the old law $2,994; that during the two years of the fourteenth Congress, if I attended every day, I should receive $3,000 and my travelling pay. And I appeal to God as a witness of truth, and to the Sergeant-at-Arms, who paid the money, for the truth of this story respecting the money I received, and which I expect to receive. The gentleman then said, if the difference was but two or three hundred dollars, it was improper to make so much noise about it, and the friends of the measure should have furnished correct information, and prevented such mistakes.

Now, sir, when such men as these make such mistakes, no wonder that honest, good, and correct men murmur; but I cannot, I will not believe my constituents are unwilling to give me a just compensation for my services. I presume all that is necessary is, to ascertain what is just. I have formed an opinion for myself, and I firmly believe every man who attends this place as a legislator, should receive what will support him and his wife, if he has one, and is disposed to bring her with him; and if he leaves his family at home, he should receive an honorable support, and a sum sufficient to remunerate his family for the loss of his services.

I may be told, the public is not bound to support our wives; this I admit, but we are bound to support them, and how will we do it, when in the public service, if it requires the whole of our compensation to support ourselves? A lady who marries a man without both the disposition and the means of maintaining her, acts very injudiciously; and the old book informs us, he that provides not for his own, hath denied the faith, and I have no doubt that he is worse than an infidel, both in politics and religion.

But a few words upon the right of instruction. The people have certainly a right to express their opinions, and I trust I shall be ready to give the voice of the people, its fair, its full and Constitutional force, if given as advice; but I think, however, my constituents have not attempted to instruct me, and, should they do it, and should the Legislature of the State which I have the honor in part to represent, attempt it; and even if every State Legislature in the Union should attempt to bind me by instructions; I would reject their instructions, and disobey their orders if contrary to the opinions I had deliberately formed.

The rule by which my conduct is directed is this, to attend constantly; this I have done and never lost a day in six years, either through bad weather, sickness, or neglect. To meet every subject of legislation fairly, to weigh arguments and opinions in the country, and on this floor, impartially; and then vote as my judgment and conscience directs, and to the best of my knowledge discharge the duties I owe to my God, my country, myself, and my family, regardless of consequences. My conduct has been directed by this rule. I voted for the compensation bill and I do not regret it. I am differently situated from most of the gentlemen who have spoken on this subject; I have not passed the ordeal, my constituents have not yet passed upon my conduct, but, if I live till next August, I expect to afford an opportunity of deciding it in a Constitutional way. I shall then ascertain whether they approve or disapprove of my determination to act as my judgment and conscience dictates. I love my constituents; their confidence and approbation, I trust, will ever be properly appreciated by me. I esteem them for their love of justice, and cannot presume they desire me to serve them without a just compensation; my respect for them has nothing of fear in it. I hope my confidence in them, and regard for them, will remain unshaken, but could I know they were unwilling to do me justice, it would very much diminish my confidence. But I presume they do not blame us for receiving an adequate compensation for our services, but charge us with greatly increasing our pay. Let us examine the propriety of this charge. I admit we have increased the nominal sum, but not the intrinsic value of our pay. This may be illustrated by the practice of the bakers, and occupants of boarding-houses in this city. Formerly flour was five or six dollars per barrel, then the five-penny loaf would feed two men; now flour is fourteen or fifteen dollars, and the bakers have not increased the price of the loaf, but diminished the loaf; now, two or three loaves are necessary for one hearty man. So, sir, with your compensation twenty years ago, twenty cents would purchase a dinner, for which you now have to pay one dollar, and every other other article has risen in nearly the same ratio; and yet we are told we have increased our pay—we have in name, but not in value.

Can any gentleman in this House say the pay we now receive is equal in value to the pay of members under the six dollar law fifteen years ago? or will any gentleman say he believes six dollars per day is a just compensation? If any gentleman does think it is, I hope he will say so,

but I presume no gentleman will hazard such an opinion. And are we to be proscribed for doing what all admit to be just? I trust not. I am willing to serve my constituents as long as I am their choice, and they are willing to allow me what will support myself and wife, and not one day longer; for patriotism never brought me here, and I presume it never did any man. I trust we have patriots in this House. I hope I have a patriotic feeling, but our constituents never sent us here as mere patriots, they chose us as legislators, as politicians, and we should legislate as our judgment and conscience direct. This is my course, and when my constituents know my situation, and appreciate my motive, I trust they will approve my conduct. To them I am responsible for the manner in which I have discharged my public duties, but by them I never can be directed, or forced to violate my conscience, or abandon my duty; and if it is my misfortune to lose their confidence, by exercising what to me appears a sound discretion, and discharging what I deem to be my duty, I shall never regret my course, I shall enjoy peace of mind, and feel the support of an approving conscience.

A few words respecting the bill before us, and I shall close my remarks.

If the House refuse to concur with the Committee of the Whole, and will fix the daily pay at eight or nine dollars, I will vote for it. If they will so amend the bill as to repeal the compensation act, and leave next Congress to fix their compensation, I will vote for it. But if the blank is filled with six dollars per day, I cannot vote for it. I receive ten dollars this year. I believe it to be just. I have no idea the repealing bill will take effect in time to affect the amount of my compensation, but after receiving ten dollars, I never can, I never will vote to limit my successor to six dollars, if I stand alone.

Mr. FINDLEY, of Pennsylvania, said, when he offered a few observations, some days since, on this question, the principle he had chiefly in view escaped his memory. It was the great importance of the members giving punctual attendance in their places, and this had been overlooked in the discussion. Unless this is accomplished, in a competent degree, said Mr. F., representation is but a shadow, or rather the name of it is a deception. I do not mean that the number of Representatives ought to be increased; they are, in my opinion, so much too numerous already, that in this way the expense is more increased than any reasonable increase of salary would do; but I complain of the non-attendance of members who are elected, and which must necessarily be unequally from different parts of the nation. The question of compensation, whether by salary or by the day, is of no importance, otherwise than as far as it secures the attendance of the members; short of this, it is in a manner thrown away; and it is certain that the employment and expense of living differ very much from each other in different States; hence it was that under the diplomatic government of the Confederation, when each State had to pay its own members out of the respective State treasuries, they paid at very different rates—some a fourth, some a third, and some a half more than others; and hence it was, that when patriotism, in opposition to interest, ceased to operate, Congress was scarcely attended by a quorum, to do important business, one month in the year. Indeed, we are told that honor will supply the want of adequate compensation. The capricious principle of honor, and the more noble principle of patriotism, has often done great things; but that, when set in opposition to interest, they cannot be permanently depended on, is made evident by the history of our Revolution; nor in opposition to interest ought they to be calculated on, in time of peace, when all the citizens are protected in pursuing every one of them their own interest. The Representatives having a common interest with their constituents, is the great security of Republican Government; of honor and patriotism there may be, and often are, great professions, where there is but little reality; the true patriot is willing to pay well, in order to be well served.

It is well known that the National Government was the result of liberal compromise, and that so were the laws, also, by which it was put in operation, and among others the law fixing the compensation of members of Congress; and, as has been mentioned by the venerable member from Massachusetts, (Mr. PICKERING,) who was well acquainted with those times, this compensation was determined at a time when many of the sages and statesmen who conducted us through the Revolution, and who sat in the national or ratifying convention, or in both, were members; many of whose names and characters do honor to their country, and who understood the principles of the National Constitution well. It was fixed at a medium between the highest and the lowest that the States respectively had given; but knowing the changeableness of the value of money, they fixed it so as to expire soon after the representation was equalized by the first census. When it expired, by its own operation, about twenty years since, it was renewed at the same rate, as I mentioned formerly, by a small majority.

While Congress possessed only the very limited powers vested by the Confederation, the small and weak States were really oppressed. They were called on for their due proportion of requisitions, which they were not able to pay. They, with difficulty, were able to bear the expense of their own State governments, and this was increased by being obliged to compensate their members in Congress, in which the small States had as many members as the large ones, but they were not able to give such a compensation as would insure attendance. To these States, the provision in the Federal Government, that all compensation should be paid out of the National Treasury, and determined by the National Legislature, was an incalculable advantage, and still is so, to new and weak States; therefore, as may be well remembered, the small States ratified the Constitution without delay, while the large States

took much longer time to deliberate. In short, there is not a Government in the world in which so much provision is made for the strong bearing the burdens of the weak.

Mr. Speaker, the question now before the House is, are six dollars of the present currency equal in value for any of the purposes of life to what they were twenty-seven years since, or even twenty? I have not indeed heard that in words this is asserted; yet the opposition that is given to such an increase of compensation as would be equal in value to what it was at first implies so much. The professed ground of opposition is, however, that it is contrary to public opinion. To make public opinion a rule, we ought to be certain that the public mind was well informed. I will admit, however, that the novelty of turning the day wages into a salary, and not proportioning it to the length of the session, is opposed by public opinion in many places. But that the propriety of an increase of compensation, in some proportion to the decreased value of the currency, is not against, but perfectly corresponding with public opinion, is evidenced by the most unequivocal testimony. Ask the farmer if he will sell the produce of his farm at the same price he would have done above twenty years ago? They will all answer universally, no. Ask the smith, the tailor, the weaver, &c., will they work for you at the same rate they did at that period? They will, one and all, answer no. Ask those who keep tavern or boarding-houses, and they will give the same answer. This seems a much more correct method of collecting the public opinion than from stump orators or newspaper declaimers, which I hear mentioned, but with none of whom am I acquainted.

But there is another method of collecting public opinion equally infallible. The State Legislatures are the official repositories of public opinion. Ask them, and they will refer you to their laws, by which they have decided, in their own case, that six dollars now is far short of being equal to what it was when the wages of Congress were fixed; some of them at least have decided that it is but half the value.

Mr. Speaker, the compensation of members of Congress is of no further use than as it secures the attendance of members. That it has not secured that attendance, as well for several years past as formerly, will be evident to all who examine the journals. The House has, indeed, the power of compelling the attendance of members, but that power is impracticable as to any general purpose. Pennsylvania formerly exacted a heavy fine for non-attendance, but it was seldom levied—easy apologies were admitted. As their attendance is essential to the well being of the Government, it is certainly best to make it their interest to attend by such a compensation as they had when the Government was organized. This has been long known by my friends to be my own opinion. While I was unable to attend the House last session, I perused the journals at home, and found that there was often a thin House deciding important measures, even on this compensation law which has made so much noise; and on the law for compensating property lost or destroyed, which produced so many mistakes, there were from a fifth to a fourth of the members absent, and on many other important questions a much greater proportion, sometimes nearly one-half. As this is the last session of Congress in which I will ever be, I can have but little interest in the fate of the question further than the public good is concerned, and of this I hope not to lose sight when retired from public life.

Mr. PICKERING observed, that yesterday he had hastily made a few remarks on the subject under consideration, at the moment when the question was to be put on an amendment proposed by the honorable gentleman from Virginia before him, (Mr. RANDOLPH.) He would now add a few more. The comparative value of the compensation to members of Congress, as fixed in 1789, and that by the law of the last session, deserved a more explicit statement.

Taking the average length of the sessions of Congress at five months, or 150 days, and the real value of the compensation of 1789 to be double (and it was certainly more than double) the value of the same nominal sum in 1816, the result of the comparison would be this: 150 days, at $12 - - - - - - - - $1,800

The average travel of members to the Seat of Government, 400 miles, at 20 miles for a day, and the same in return, together 40 days, at $12 - - - - 480

Making the average compensation to a member of Congress in 1789 equal, in the money of 1816, to - - - - $2,280

In 1816, the law allowed a salary of - 1,500

But left the allowance for travel at the original nominal sum of six dollars for every 20 miles; consequently, the 40 days travel give only - - - - 240

Total value of the compensation in 1816 $1,740

Or less in value than members received in 1789, by $540, in the money of 1816. Yet the clamor has been excited by an alleged increase, as well as a change in the mode of compensation.

But the time when this supposed increase was enacted, has been pronounced improper and unpropitious—just when the country had emerged from an expensive war, and the people were burdened with taxes. But what was the case in 1789? Six years, indeed, had elapsed from the close of a seven years' war, but its distressing consequences remained. We had no national Government of force to relieve the country from those distresses; hence commerce and all other branches of industry languished. A debt (the sacred debt of the Revolution, the price of our independence) of more than seventy millions remained unpaid. The public revenue was then incipient; and the whole receipts from commerce in 1789, and the two following years united, amounted to but about six millions and a half of dollars; whereas the revenue from the same source, in the single year

of 1816, amounted to about twenty millions of dollars; and the entire revenue from the customs and other sources, in that one year, amounted to about thirty millions, at the same time the public debt was stated at about one hundred and twenty millions. Since the year 1789, the population of the United States has more than doubled; the wealth of the people is trebled; and the style of decent living (in addition to the increase of prices) become vastly more expensive.

But the public voice has been raised against the law of the last session! Yes, a lying spirit had gone forth (as one gentleman had said) and deceived the people. From every part of the House, gentlemen had ascribed the public clamor to artifice and intrigue. Some Federalists, (and they probably began the outcry,) remembering the charge of extravagance formerly made as one means to undermine the Federal Administration, and the "odious" compensation law, having a democratic origin, those Federalists seized the occasion to attack their political adversaries with their own weapon. Others denounced the law in order to render unpopular those who voted for it, or who availed themselves of its provisions, and thus to supplant them in the public favor, and step into their places. Others joined in the clamor, to be in the fashion, or to acquire some stock of popularity for future use. Others, again, and those alone whose opinions deserve attention, honestly disapproved of the law, because uninformed, or misinformed, as to the merits of the question. Since the publication of the able and clear report of the committee on the subject, such men had become satisfied that the measure was correct. One instance was presented in a letter to a member of this House, written on another subject, and in which this matter of the compensation was mentioned incidentally. It is a letter from an honest and intelligent sailor, who now lives in the country, in Pennsylvania, probably as a farmer. He says, "I consider, from the committee's report on the compensation law, that it should not be repealed, but I thought otherwise until I seriously perused the solid, distinct, and clear report thereon." Had that report gone forth with the law, no such clamor as we have witnessed would have been raised, and we should not now be debating the question.

Mr. P. said, we have heard something about patriotism on this occasion, but there was no room for it on this subject. He trusted no gentleman would take offence, if he said that patriotism had not brought a single member into that House; that there was, in truth, no more reason that men should labor for the public than for individuals, without being paid for it; and the compensation should comport with the high and important nature of the services to be performed. As to the power to fix the compensation of members, it had been repeatedly stated that it is expressly granted to Congress by the Constitution; and it was right that Congress should always possess this power, in order (as in all other things) to adapt the laws to the state and circumstances of the times. Let, then, the compensation law be left as it now stands—an inheritance to our successors. If they commit waste upon it, or throw it away, let them be responsible for the consequences.

A few words on instructions to members of Congress. Mr. P. said, he had received instructions from the Legislature of Massachusetts, in which the compensation law is censured, as changing the mode and greatly increasing the compensation to members of Congress—as an innovation upon the custom, and not congenial with the republican principles of our Government; and requesting the Senators and Representatives from that State to use their influence to effect its repeal. He had shown that the compensation had not been increased; that it is really of less value than it was in 1789. And as to its being an innovation, the venerable gentleman from Pennsylvania (Mr. FINDLEY) had informed us that the idea of a salary compensation was not a novel one. For, that in 1796, when an increase of the compensation was under consideration in Congress, it was proposed to change it from a daily to an annual compensation; though neither one nor the other was then accomplished. As to instructions, whether from the Legislatures or the people of a district, Mr. P. did not admit their validity. If they contain reasons for or against any measure, these will merit a respectful consideration—but instructions unaccompanied by reasons, were not entitled to the observance of Representatives. He felt humbled that the Legislature of Massachusetts should have descended to this small business; especially as it was one exclusively intrusted to Congress by the Constitution. If, on any important public measure, a State Legislature think proper to express their sentiments, with their reasons, and especially if a national measure operate unequally, the State aggrieved will rightfully remonstrate, and instruct its Representatives accordingly. If the case be clear, they will of course obey; if it be doubtful, the opinion of their constituents will turn the scale. But they should go no farther, because they are bound not to contravene the general welfare for any partial or local interests.

Mr. P. would say one word more on patriotism. The only patriotism belonging to this subject is that which, by providing liberal compensations for the service, shall induce those who best understand, and are most able to promote, the great interests of our country to accept of seats in Congress. To bring forth such men, he wished the law to remain as it is.

Mr. TAYLOR, of New York, said, that the dignity and importance of a seat in this House was estimated more highly by none, not even the honorable gentleman from South Carolina, (Mr. CALHOUN,) than by himself. It is, said Mr. T., a station worthy the exalted ambition of the ablest statesmen in this country; no man, although retiring from the Executive Chair of the Union, crowned with the benediction and gratitude of his fellow-citizens, would be dishonored by a seat on this floor. To discharge the various and arduous duties of a Representative in Congress, requires not only incorruptible integrity, but talents

of a very superior order. The subjects presented for debate and legislation are equal to the highest and most refined intellect, stimulated by patriotic ardor and persevering industry. The people of the United States are represented no where but in this House. It is for this cause, that every officer in every department of the Government, from the President down to the messenger who distributes these bills upon our tables, is answerable to this authority for the faithful discharge of his duties. Here the voice of the people is, ought to be, and ever will be heard, while one spark of liberty remains to our country. May the day never arrive when their seats shall be occupied by weak, wicked, and ignorant men.

Honorable gentlemen have told us that they were, and still are, in favor of the compensation law of last session, from a conviction that it is calculated to command for the service of this House, better talents than could be procured at the former rate of compensation. Most, if not all of their arguments, are founded on this supposition. Let us, for a few minutes, inquire into its truth. And here I am willing in the outset to admit, that since my first acquaintance with this House, it has lost some of its brightest ornaments, because they could not afford to sacrifice private pursuits to public employment. But do gentlemen believe that fifteen hundred dollars a year would have secured to us their services? No, sir, it would not. Some of them have returned to the practice of lucrative professions, yielding an income of five, eight, or ten thousand dollars a year, and in several instances I am informed of a still larger sum. Some have accepted profitable and permanent offices under the State governments, and others, fatigued with public cares, have sought, in domestic quiet, that happiness which political pursuits failed to afford. I know of no man who has retired from this House because the pay was but six dollars a day, who would have remained at fifteen hundred dollars a year. The addition to the compensation made by the law of last session is much less than it appears to be considered either in this House or out of it. The members of the first Congress, who paid themselves six dollars a day, actually received, besides travelling expenses, more than fifteen hundred dollars a year. For the two years they received for their services, besides the usual travelling allowances, three thousand and ninety dollars. The members of the fifth Congress received, in like manner, about twelve hundred and seventy-eight dollars per annum, and the members of the twelfth and thirteenth Congresses, something more than eleven hundred dollars per annum. During these eight years, Congress was in session longer than usual, but the average compensation received by members of Congress, at six dollars a day, from the organization of the Government under the present Constitution, to the commencement of the last session, is little, if any, short of one thousand dollars per annum. With an increased population and territory, we ought to calculate on a proportionate increase of legislative business, the despatch of which will not be accelerated by the augmented numbers in this House. It, therefore, may, and probably will happen, that we, or those who are to occupy these seats after us, will sometimes receive more money at six dollars a day than at fifteen hundred dollars a year. But should it be otherwise—should this country happily enjoy domestic tranquillity and public repose, in so great a degree as to require the sessions of Congress to be protracted not much beyond the average which they have heretofore attained—I put it to honorable gentlemen who hear me whether they would be influenced to continue in, or to abandon, the service of their country in this House, because they might receive, as a compensation for that service, three or four hundred dollars a year more or less. No, sir, they would not; I should wrong their highminded and patriotic feelings by a contrary supposition. I see around me honorable members devoting undivided attention to their public duties, submitting to painful and almost innumerable privations, for a pecuniary compensation, less by four-fold than the same capacity and application would insure in their professional employments. These gentlemen are my witnesses that it is not necessary to pay great wages for the purpose of bringing distinguished talents into this House.

Several venerable members have spoken of the improved character of Congress for political and general science within a few years past. I can draw a comparison only between this and the thirteenth Congress. Many able men were returned to both. This Congress has lost by some changes, while it has gained by others—I am unable to strike a balance. But let gentlemen remember that the talent and integrity which have done honor to either the one or the other, furnish no argument in favor of the compensation law. We both were elected, and took our seats as laborers by the day; and although there may not have been any falling off, yet I am unable to discover any improvement in the manner of doing business since we became salary men. If the members of this and the last Congress have been characterized by rather more ability than some of their predecessors, it ought to be ascribed to the important and critical times, in which they were elected. Similar times will always produce the same result, whether the compensation be high or low.

It has never been the policy of this Government to pay persons employed in its service, particularly in the legislative department, as profusely as professional men, especially of the law, are paid for their services in the State which I have the honor in part to represent. Any middling clerk in the office of a county court lawyer, can there earn for his master, by the folio, twelve or fifteen dollars a day. But who ever thought of graduating the compensation to members of Congress by that standard! Much less by one formed with reference to the fees allowed to counsellors of respectable standing. Agriculturists constitute the predominant class of our population, and the pay allowed to members of the

Legislature, in both the General and State governments, has been in most instances, and always ought to be, fixed with a view to the profits of agricultural industry.

Much has been said on the subject of instructions. I have received from my immediate constituents neither instruction nor advice. But I am not the less acquainted with their wishes on this subject. The salary law is by them unanimously disapproved. Every man of every political party, from first to last, has condemned it. From the industrious farmer, who honors and benefits his country, down to the despicable wretch who lives by his wits, eating the bread of extortion or idleness; through the long list of intermediate character, not one stood forth its advocate. It was discussed in town meetings, and condemned. Committees were appointed to meet in county convention, where it was again discussed and condemned. I was present at none of these meetings. But from the newspapers I learn that a memorial praying its repeal was agreed to, for the purpose of being submitted to this House. It has not been received. These meetings were held without distinction of party. Not on the eve of an election, and for electioneering purposes, but months after the polls were closed, and after the law had been published, and well understood. All classes of society united in these proceedings; they were not stimulated by demagogues, for the purpose of pulling down or building up any man, but were so conducted as to furnish to my mind satisfactory evidence that the deliberate judgment of my immediate constituents is opposed to the salary law. I thought proper to mention these proceedings, although not regularly, before this House, because there is no other way of ascertaining what is public opinion but by receiving and combining the opinions of the people in the several districts from which we come.

An honorable gentleman from Massachusetts, (Mr. HULBERT,) who yesterday favored us with one of his happiest specimens of public speaking, and entertained, if he did not convince, his hearers, considered this as a contest between Congress and the people—between the representative and the constituent; and he hoped this House would manfully maintain the ground assumed by it at the last session. Has the honorable gentleman forgotten the lesson of experience? Let him look into the history, not only of this, but of all free governments, and point, if he can, to one example of a contest between the people and the Government in which the latter have been successful. If such example can be produced, the success of the Government was purchased at the price of the liberty of the country. While the people are free they will and ought to govern. I feel no humiliation while avowing that I stand here to express for my constituents, and as their representative, what they themselves would express if personally present, and possessed of the same information upon which I act.

But I do not agree with the honorable gentleman from Massachusetts that this is a contest between Congress and the people. That gentleman, and those who voted with him, doubtless believed that they were promoting the public good in passing the compensation law of last session. They expected, if not the gratitude, at least the support of the people. Such, I know, were the feelings of many gentlemen who supported it. In this expectation they have been disappointed. It remains for them to decide whether they will now commence a contest against, or fulfil, the wishes of the people. The citizens of the country are its owners and sovereigns—we are only their stewards. They have disapproved of the law. Is it not more honorable to us, and more consistent with the principles of this Government, to obey their will, when clearly expressed, than to persevere in a course which has met their decided condemnation?

Among my regrets, occasioned by the passage of the compensation law of last session, it was not the least, that the motives of honorable members who voted for it would be liable to unjust imputations. Subsequent events have too fully proved the correctness of that anticipation. Some of our ablest and best men have lost the confidence of their constituents, and been driven from the councils of the nation, in consequence of one error. Let us correct it without delay. Let us remove from the statute book this cause of public dissatisfaction; and let all remember that it is unworthy the exalted character of American citizens to pursue with unrelenting severity their faithful servants for one error of judgment. Let mistakes on both sides be forgotten and forgiven, that harmony and confidence may be restored between the people and their representatives.

I voted against the compensation law of last session, because, in my judgment, it was unnecessary and inexpedient. My opinion remains unchanged. I shall now vote to repeal it, and to fix the pay of members of Congress at the old price of six dollars a day.

Mr. WILDE said, he never thought of that House without comparing it in his own mind to a vast, grand, magnificent, political amphitheatre, on which were exhibited specimens of intellectual gladiatorship, infinitely more wonderful, quite as interesting, and sometimes scarcely less dangerous, (he would not say cruel,) than those that contributed to the amusement of ancient Rome; or rather—for he wished to make no comparison which should not be expressive of his high respect for that body, and for every member of it—to a gay and gallant tournament, where the "keen encounter of wits" was substituted for that of weapons; where sarcasm and ridicule were the sword and the lance, authority and argument the casque and the shield.

Thinking thus, it was not for him, he said, all unskilful as he was in such contests, and in comparison with able and honorable gentlemen whom he saw around him, scarcely entitled to knightly privileges, it was not for him to descend into the arena or to enter into the lists for the purpose of combatting their arguments, or running a tilt against their opinions. There would be no equal

ity in such a contest. They would come against him, clad in all the panoply of intellectual warfare, whilst he had no other weapons than those which nature furnished; and so humble had been the current of his life, as scarcely to have polished the pebble that must be fitted to his hand. He meant no vain-glorious allusion; he begged leave to disclaim it. He was not conscious, until he had uttered them, that his words would bear any such construction; and he was sensible that there was no more similarity between himself and one of the persons to whom it might be supposed he had referred, than there was between any honorable gentleman on whom his eye might accidentally have rested at the moment and the other. Gentlemen would have another advantage over him. They were trained to the forms of debate; with all its refinements they were perfectly acquainted. Language was with them a weapon of the keenest edge, the finest temper, the highest polish, and wielded with the most admirable dexterity. But its brilliancy was so often flashed upon the eye, that sometimes, when it was only meant to dazzle, we become apprehensive lest it was intended to wound.

It was not without reluctance he had exposed himself, defenceless, in front of a force so formidable. He had determined to do as he had done at the last session: he then expressed his opinion only by his vote, and nothing which had since occurred out of that House would have induced him to express his opinion otherwise now. But a reference had been made to the public opinion of the State to which he belonged, and to the recent election there, as furnishing conclusive evidence that this opinion was decisively against any increase whatever of the remuneration of members of the National Legislature. This reference had called him up. He begged leave to correct an inference which he had considered as a reflection, not only upon the liberality, but on the good sense of that State, and which, so far as he was informed, he believed to be erroneous. He did not believe the public opinion there—and by this he meant the calm, deliberate opinion of reasonable men, which, if not now the opinion of the majority, (and he was by no means certain that it was not,) would very soon become so;—he did not think that this opinion was opposed to a reasonable addition to the sum formerly allowed to members of Congress, if made in the shape of a daily compensation. Unless he was grossly deceived, (and he had no reason to think he was so,) two at least of the gentlemen then elected, (and he was happy to state it, to their honor,) so far from objecting to an increase of the former daily allowance, would vote for it, if called upon. Others, perhaps, might do the same. He did not say they would not.

An honorable gentleman, formerly a member of this House, and recently elected by the Legislature of that State to the other, would (unless he had been misinformed) most probably vote for an increase also. He had not conversed with any respectable and intelligent man in the State who wished to limit the members of this House to a sum which they found inadequate to their decent support, and which was universally admitted to be much less in value than when originally fixed, twenty years ago. With these facts before his eyes, Mr. W. said, he could not at present be persuaded that the inference which was attempted to be drawn from the result of the election there was well founded.

So far as it regarded himself, that result was produced by complicated causes. Independent of those which it was apparent to the House must always operate against him, there were others that had contributed to his rejection. Among these, was the part he had the honor to take—he should always consider it an honor—in a late memorable contest in that State, in favor of what he considered political honesty and judicial independence. In his course on that occasion he had coincided with—he could not say he had imitated, for he had not followed—that of an honorable gentleman whose talents formerly commanded respect, even in that House, and who more recently, during a very trying period, administered the government of the State in question. He would not attempt to speak of that gentleman as posterity would speak of him; but, he must be permitted to say, that he never could regret any act of his public life which was sanctioned by such illustrious authority.

Mr. W.'s conduct in relation to that question, however, was such as it was the pleasure of many of his constituents, for the present at least, to disapprove; and they had manifested their displeasure, as they had a right to do, by their votes. He would not pursue the subject further. He meant to give the House a clue to this matter; but he was not born to be his own historian, even if his history were as important as it certainly would be otherwise, and still less to pronounce anything that should look like eulogy or egotism.

It was very true, that distorted images of the act of last session, and the foulest and most malignant imputations on the motives of those who voted for and those who voted against it were there, as they were elsewhere, employed as the means of gratifying personal enmity and ill-judged ambition. But it was very far from being true, that these were the only means used; and it is certain that the success of these, so far as they were successful, was owing in a great degree to the indifference of those against whom they were directed. Their carelessness, their supineness, if described, might seem wonderful to such as lived only on the smiles of a Sovereign—a situation to which he would never suffer himself to be reduced, even though that Sovereign should be the people;—but it would not be in the least astonishing to others, who felt that honor is not derived from office or from power, but from the manner in which they are acquired and employed. What he had proposed to himself through life, was the pursuit of honorable ends by honorable means, and by no other means than such as were strictly honorable. Honest ambition, sir, said Mr. W., like the eagle, soars upward to the sky, gazing undazzled at the most glorious object, whilst po-

litical intrigue burrows downward in the earth, and, working crookedly in the dark,

"Toils much to earn a monumental pile,
"That may record the mischief it has done."

He had, therefore, never thought, and hoped he should never think, a seat on that floor so desirable; although he protested that, to his mind, not only was there no office on earth more desirable, but that no man on earth estimated it higher than he did; yet he never thought a seat so desirable as to be procured, at all events, by the means which might sometimes be necessary to obtain it. The noblest gift ought not to be held by the basest tenure; and whenever it became requisite for a Representative of the people, in order to secure a re-election, after passing five months of ceaseless occupation and discomfort; instead of returning to his domestic duties and enjoyments; to the care of his affairs, certainly not improved by his absence; to the society of his friends and to the study of that sound political philosophy which he is here called upon to practise;—whenever it became necessary, instead of doing this, to course through the country in pursuit of votes; to fawn and creep, and wriggle into favor, and to insure temporary caresses by deserving permanent contempt, he, for one, must be contented to forego them. He intended no disrespect for the people—far from it. All he meant to say was this, that whoever or whatever is sovereign in any country, will always find enough to flatter and corrupt; but for the same reason, that if he had the misfortune to be the subject of a monarchy, or the slave of a despotism, he would never minister to the vices or the follies of the king, or the emperor, or the autocrat,—for the same reason, as the citizen of a Republic, he would never be the sycophant of the people. Others, if they pleased, might sing to them the song which entices to destroy; others hold the cup that intoxicates to embrute.

In relation to a question which had been started, connected with this part of the subject, he concurred—he could do no more—with the honorable gentleman from South Carolina, (Mr. CALHOUN,) who had uttered some sentiments worthy of the best men in the best times, of any country in the world: and he desired not to be considered as thus expressing himself for the first time in his life, and at a season when he had nothing to lose or to fear. Those who knew him, knew that such opinions had grown up with him from his boyhood, and become part of his character. He had had occasion to act upon them very recently more than once; and if they were political heresies, he was ready for their sake, to suffer any and every species of political martyrdom.

These notions he had freely and frequently avowed before the late election; they were contained in an answer which he had written to a corresponding committee, who did him the honor, pursuant to a meeting and some resolutions, to address a letter to him, not through the newspapers, or he certainly should not have replied to it, but through the post office, the object of which was to obtain certain pledges on the subject of the very law in question, which pledges he did himself the honor not to give. The committee had not seen fit to publish that answer, for which he was much obliged to them, since it was certainly a very indifferent composition.

For once, however, the meeting and the resolutions, and the correspondence, which, no doubt, like several others, were designed to be the stepping stone of many a gentleman's laudable ambition, did not answer the purpose—for he had understood that the county had not thought proper to elect to the State Senate one of the patriotic members of that committee, who was willing to have been so honored; and on the Congressional poll of that county, Mr. W. had been informed his own name stood either first or second, he did not recollect which.

Mr. W. begged pardon for the digression. He had wished to exhibit a trait—an honorable one, he thought it, in the character of the people whom he represented. He would dismiss the subject so far as it related to the election, which it had pleased gentlemen to allude to, by merely remarking, that though well assured of the event for some time previous, he had not deemed it adviseable either to withdraw or to resign. He had preferred encountering his trial, performing his duty to the last, and then submitting to the sentence that was passed upon him. And he had preferred it on the same grounds that he would have preferred, could he have been worthy of the choice—the punishment of ostracism to voluntary banishment.

The misfortune of being removed from public employment, if, indeed, as his friend and colleague (Mr. FORSYTH) had remarked, it could be considered as a misfortune, was one which had no power over him.

He had felt and contemplated it until it was familiar; and he could not believe that any man was entirely prepared to commence life in the service of his country, who was not perfectly prepared to end it without a murmur, whenever, and in whatever way it might be necessary—possibly in exile, probably in disgrace, and certainly in obscurity.

Sir, said Mr. W., if any one were to propose an amendment to the Constitution, going to prohibit every man who was not possessed of property to the value of thirty or forty thousand dollars from holding a seat here, would it not be received with universal indignation in this House and out of it? Sir, it would; we all know it would. And yet, if we fix the remuneration of legislative services so low that none but men of fortune can afford to perform them, is it not precisely the same thing? What was the essential difference, he begged leave to ask, between saying in the Constitution, that no man who is not possessed of thirty thousand dollars, shall be a Representative—and saying, by law, that no Representative who has not thirty thousand dollars, or the income arising from thirty thousand dollars in his pocket, shall be able to continue in the

service of the public? The one was a direct and positive—the other an indirect and virtual prohibition; but the effect of both was the same. It was to lessen the number of citizens among whom a choice could be made, it was to superadd another qualification, not heretofore known to our Constitution—the qualification of wealth. It was to say to the people "you shall not choose a poor man, or a man in moderate circumstances, to represent you:" and to say to such men, "Whatever may be your talents, or your virtues, you shall not come here—at least, you shall not stay here, without ruin to yourselves and to your families." Mr. W. was not prepared to say that; and, least of all, was he prepared to say it by law. If we were to adopt a system of prohibitions to encourage the manufacture of such men into Representatives, and all kinds of prohibitions and manufactures seemed to be the favorites of the day—he did not say we were to do so—but if we were, if the Government was to hold out all the honors of the country as bounties to those citizens who could enrich themselves the fastest, no matter how, he was clearly of opinion that the bounty and the prohibition should be found in the Constitution, that all might see and understand it.

Had it originally been found there, it might have produced at least one good effect—*he* would never have had an opportunity of troubling the House on this or any other occasion, and many very good men among his constituents, who doubted whether he was quite rich enough to be worthy of a seat there, would never have suffered any such perplexity. But though in his own case a prohibition of that sort might have been beneficial, he was not inclined to infer it would, therefore, be beneficial in every other. In that respect, he argued somewhat differently from those who, finding prohibitions profitable to themselves, very rationally and naturally concluded that they must be profitable to everybody else. He did not think so. He thought he saw around him abundant proofs that such a system of exclusion would be very unprofitable to the American people. The direct tendency, nay the immediate effect, of not allowing a sufficient sum to the members of the legislative body, was to enforce such an exclusion. It was, in some degree, to make the possessors of wealth a privileged order; and he had, therefore, voted in Committee of the Whole for filling the first blank with ten dollars, with an understanding that the travelling expenses would remain at six. He had voted subsequently for nine, and for eight. He should do so again in the House. He would vote for any reasonable daily compensation which should commence with the next session; and if he could not obtain it otherwise, he should vote for it to commence with this; though for his own part he should prefer a settlement of the accounts of the present session upon such terms as would prove decisively the total absence of every selfish motive, and the complete indifference, he had nearly said contempt, with which gentlemen viewed the whole subject when regarded merely in the light of pecuniary interest.

He wished to see the present act repealed for the same reasons, and for no other reasons, (as his colleague had already said,) that he had originally voted against it. But he did not wish to see it repealed at the end of the session, and nothing substituted.

He had no desire to have this matter agitated again. It ought now to be settled on a permanent basis, at least as permanent as they could make it. And thus would have done everything in their power to effect this by fixing on a liberal sum to be paid in the old mode. There, probably, the succeeding Congress would be willing to let the matter rest; at least we should deprive them of one pretence for disturbing it; and, if any evil had been done by the passage of the last act, some good might thus be extracted from that evil. For himself, he had always acknowledged his conviction that the former compensation was inadequate, and he looked with fearful anxiety to the operation of any cause which would bring into that House two descriptions of men already often alluded to, the wealthy and ambitious intriguer, able to corrupt, and the needy and venal demagogue, willing to be corrupted. Of that House he feared it might be said in the words of Claudian—

"*A fronte recedant imperii.*"

Yes sir, they were receding, they had receded from the front of empire. That House, formerly the favorite of the American nation, the first and most important branch of the Government—the immediate image of the people—had been losing and continued to lose, certainly by no fault of theirs, but by the working of causes not for him to develope, that rank and power in the Republic originally belonging to them, and which others at their expense had been secretly acquiring. He would not say the degradation has been intentional or systematic. But he would say, that if the attempt which was now making proved successful—if the people were brought to join in the abasement of their Representatives and to direct their affection and confidence only to the Executive, this Government was no longer what those who made it intended it should be. You may *call* it what you please, but it is not necessary to tell you what it is.

Sir, said Mr. W., I did say this House was degraded. Look at the actual state of things for years past, do you not see that a seat in this House, the only office in the immediate gift of the people, employing and requiring the highest powers, the noblest faculties of man, is placed upon a level with, nay, it is placed below some thousand of mere ministerial offices in the gift of the Executive, which demand little more than common honesty and a knowledge of accounts? Had they not seen honorable gentlemen going out of that House to accept, not foreign missions, not seats in the Cabinet, or on the bench, not any of the high and responsible officers in the Government, not even to be accountants and auditors, and comptrollers, but to take clerkships, collectorships, postmasterships and Indian agencies? To

become commissioners of loans, or collectors of the customs or of the direct tax, to be be gaugers and tide waiters, and excisemen—scribes and publicans?

He meant no personal allusions, he spoke not of individuals, for about them he knew nothing, and cared nothing. Solitary cases were of no consequence as arguments, and it was only the general nature and extent of the evil that made it worth mentioning.

Mr. W. said he spoke not from guess, but from the information of official documents when he said that considerably upwards of five—nearly if not quite six thousand officers were employed by this Government, and of these at least one thousand to twelve hundred, how many more he would not pretend to say, received each in salary, pay, emoluments or compensation of one sort or other—he meant fairly and regularly—as much, and most of them more than the members of this House previous to the last session. What then was the fact? The President and Senate have in their gift a thousand or twelve hundred offices, each of which equals, and most of which very far exceeds in mere pecuniary value a seat in that House, the only office in the immediate gift of the people. What is the consequence? Why, certainly, that whenever the compensation of the legislative body was so low as to be barely adequate to the support of a gentleman, and entirely inadequate to the support of himself and family at the Seat of Government, the President and Senate would have it in their power, and one day or other might, he did not say they would, have it in their inclination, to acquire a sinister influence over the deliberations of the Representatives of the people; and the materials of which that House would be composed in such a state of things, must be just such as would be fittest for their purpose. Place it on the very best footing you can, say that, notwithstanding the insufficiency of the compensation, honest independent men in middling circumstances will come here from patriotism and the love of distinction. It is evident they cannot remain here long enough to acquire experience in public affairs without exhausting their private fortune. And when that is gone, whatever might be their original character, they will be driven by necessity to become dependants on Executive bounty, placemen, and pensioners and sinecurists. Your public offices will be converted into hospitals for decayed statesmen, the distribution of jobs and contracts among the members of both Houses will be connived at, everything will gradually become venal, and in the end your Constitution will be subverted.

Mr. W. begged leave to say a word about comparative compensation. He had made some notes and calculations on that point. He hoped the House would not be alarmed at their length, he had no intention of giving them anything like the trouble he had taken himself. He meant only to state a few striking facts. His comparison would not be of the emolument of a member of that House with those of any of the great officers; the Secretaries of State, of the Treasury, of the War, and Navy Departments; the foreign Ministers, Judges, and Attorney General—most of whom he apprehended were compelled to expend rather more than they received; nor even with those of the Comptrollers, Auditors, Registers, Treasurers, Accountants, Superintendents, and Commissioners; but with those of the yet more subordinates officers of the Government, whose existence—he spoke of them as officers, not as men—whose existence the great mass of the people of this country scarcely remembered. He begged permission to refer to a list of some of them.

For example, the collector of the direct tax for the second district of New York, received seven thousand eight hundred and ten dollars. For the first district in Pennsylvania, seven thousand three hundred and eighty-seven; for the fourth district in Maryland, six thousand four hundred and fifteen; for the eleventh district in Massachusetts, six thousand one hundred and ninety-one; for the sixth district in Pennsylvania, five thousand six hundred and ninety-four. From these sums, it was true, whatever was paid for clerk hire must be deducted; which unless, indeed, it was very great, would still leave no inconsiderable amount behind. He would mention some others, however, which he understood were not liable to any such drawback. Such as the collector of the port of Boston, five thousand; of New York five thousand; of Philadelphia, five thousand; of Norfolk, five thousand; of Savannah, five thousand; of New Orleans, five thousand; at Charleston and Baltimore he presumed they could not receive less, but of this he had no certain information. To these he might add the commissioner under the 4th article of the Treaty of Ghent, four thousand four hundred and forty-four; agent under the same, three thousand; commissioner under the 5th article, four thousand four hundred and forty-four; commissioner under the 6th and 7th articles, four thousand four hundred and forty-four; agent under the same, three thousand; naval officer of Boston, three thousand five hundred; of Philadelphia, three thousand five hundred; of Norfolk, three thousand five hundred; the naval officer at New York, it must be supposed receives the same; the surveyor of Boston, three thousand; of New York, three thousand; of Philadelphia, three thousand; of Norfolk, three thousand. The postmasters, at Albany, two thousand; at Baltimore, two thousand; at Boston, two thousand; at Charleston, South Carolina, two thousand nine hundred and eighty; at Hartford, Connecticut, two thousand two hundred and thirty-four; at New Orleans, two thousand one hundred and eighty; at Norfolk, two thousand and seven; at Petersburg, Virginia, two thousand six hundred and fifty-five; at Philadelphia, two thousand; at Pittsburg, two thousand one hundred and eighteen; at Providence, two thousand two hundred and nine; at Richmond, two thousand six hundred and forty-eight; at Savannah, two thousand two hundred and sixteen; at Washington City, five thousand two hundred and seven dollars.

Mr. W. did not wish to be understood as excepting to the salaries of these officers, or any of them. He had no doubt they thought them low enough, and he dared say they might very well deserve them; on that point he did not intend to express any opinion. They were all he presumed very respectable men, and to many among them, most probably, the country or the Government owed great obligations. Some few of them, however, unless his recollection deceived him, appeared to have no objection to pluralities.

Would any one, asked Mr. W., after running his eye over that list, pretend to compare those offices, either as to their importance or as to the abilities they required, with a seat on that floor and the qualifications of such a man as ought to fill it? Yet the average compensation of a member of that House, under the old law was about $1,140, and the average time of his absence from home about half the year. Why, according to that law, said Mr. W., you did not pay him for the time he was actually employed on the public business, at the same rate per day, that you paid a naval officer or surveyor of the ports of Boston, New York, Philadelphia, or Norfolk. But, then, there was the honor—true; and had the Senate and House of Representatives a monopoly of honors? Were there none out of the General Government? If honors were the objects of a gentlemen's pursuit, could he not find them more readily in the State governments than in that House? To many it was as much or more an object of ambition to be among the first men in a State, than among the second in the House of Representatives; it undoubtedly was easier and required fewer sacrifices. They might rest assured, therefore, that when gentlemen could certainly unite honor and profit at home, very few would come there to seek it at a certain loss of money, a very *uncertain* gain in reputation; and of those who did, most would be such as set no value on money, because they had too much of it; others he feared would come, but from very different motives, who would set no value on honor, for a very different reason.

As to the State Legislatures undertaking to instruct the Representatives of the people, it was, said Mr. W., a flagrant usurpation; they had no Constitutional authority to do anything of the kind; it was directly in the teeth of the whole theory of our Government. He could not permit himself to discuss so unfounded a pretension, and one which had already been so amply refuted. But he must be allowed to say that instructions on that subject, particularly, came with a very bad grace from State Legislatures who had once raised their own pay from fifty to one hundred per cent., and some of them more than once since the year 1789. If the very patriotic, and enlightened, and distinguished gentlemen, who are usually at the head of such affairs in those bodies, had allowed themselves to think, they must have perceived that if there was any propriety in admonishing us to refund and reform, there was a peculiar propriety in setting us the example.

Some such instructions, he had never seen them, had been moved he understood in the Legislature of the State to which he belonged. He said belonged, for, by making him in every respect what he was, she had acquired a kind of political property in him, and however she might exercise that ownership, no murmur would ever pass his lips. Some such instructions, he said, had been moved in the Legislature of that State; but he was proud to learn such counterfeits were not more countenanced there, than in Virginia. They had passed current indeed, while they were new, with the House of Representatives, but the wash was worn off before they reached the Senate, and there the further circulation of the base metal was frustrated.

Mr. W. said he would touch on only one topic more, and that but slightly, because his colleague (Mr. Forsyth) had already put it on the right footing.

Those who voted in the minority on the act of last session, had been blamed because they had not set themselves up for political Jansenists, Puritans or Pharisees, thanking God they were not as other men were. Because they had not attempted, by refusing the compensation which that act provided, to impute to the majority, who passed it, motives of corruption, in whose existence the minority themselves did not believe.

To be blamed for such conduct, was more grateful to his mind than to be praised for the reverse. In saying this, he protested against the supposition that he was saying anything which could be, in the slightest degree, unpleasant to an honorable gentleman whose absence and the cause of that absence had excited sentiments of regret and sympathy, equally creditable to him and to that House. For that gentleman he had never entertained any other sentiments than those of the highest respect and esteem, and however the expression of those sentiments might appear to others, he would not regard it as a mere parliamentary compliment.

But the conduct of that gentleman on the particular occasion alluded to, had, he always understood, been the result of the peculiar circumstances in which he found himself placed. His situation being dissimilar from that of others, he had acted differently, but as this difference of action had grown out of peculiarity of situation, there could be no more reason for making his conduct the standard by which that of others should be judged, than there was to make theirs the standard for the judgment of his. He presumed there was no such intention. He was glad to perceive by the signs of dissent exhibited that there was not. He did not think it became any one, except in a very peculiar situation indeed, to set up his private judgment in opposition to the laws of the country, fairly and constitutionally passed, with perfect integrity on the part of the majority who passed them; and such he looked upon the law in question. It would have been particularly indefinite and unjust in him to have done so, while feeling that the former compensation was entirely inadequate and believing

that the one adopted, though objectionable on other accounts, was certainly not more than a reasonable indemnity for expenses incurred.

He had never regretted his conduct in relation to that question, and could he have foreseen everything that had since occurred, he would not have varied it one jot from what it was. So far from it, that, situated as he was, thinking as he did, and voting as he had uniformly voted, there was scarcely any mean and pitiful action which he would not as soon have committed, as not to have taken the compensation provided by that law.

And yet he believed he was as careless of money as any one who had as little of it as he had, or any one who professed more contempt for it than he did. What was paid him, or in what medium it was paid, had never been the subject of inquiry with him. He had never asked, and at this moment could not tell, what he had received at the last session, and a small balance had been brought him by his friend and colleague after he returned home. He took whatever was handed to him by the officer of that House, and if the sum was increased by a law for which he did not vote, he received it without scruple, as, if it had been diminished by a law for which he had not voted, he would have taken it without complaint. He unquestionably should not have gone home to his constituents to ask them to make good the difference. No. He might be covetous of honor, but he certainly was not covetous of gold. It should never be said with truth of him, that he was either "*alieni appetens*," or "*sui profusus*." In doing justice to himself and to those with whom he had acted, by saying what in his opinion the occasion required, Mr. W. had been careful not to allow himself the use of any expression impugning the motives or wounding the sensibility of others. Knowing his own intentions to be upright, he had charity enough to believe the intentions of others were as upright as his own; and he was mindful on this, as he hoped he should be on every occasion, of what he had learned very early from a great master of morality and skilful anatomist of the human heart—"that he who is corrupt, is already suspicious, and he who is suspicious will quickly become corrupt."

About four o'clock, the question on concurring with the Committee of the whole House in their amendment, to wit: filling the blank with six dollars, as the daily pay, was taken, and decided in the negative—yeas 81, nays 91, as follows:

YEAS—Messrs. Archer, Avery, Baer, Baker, Barbour, Bassett, Bennett, Blount, Boss, Brooks, Bryan, Burwell, Cady, Caldwell, Cannon, Cilley, Comstock, Conner, Crawford, Darlington, Desha, Dickens, Edwards, Fletcher, Glasgow, Goldsborough, Goodwyn, Hahn, Hale, Hammond, Hardin, Harrison, Hawes, Heister, Hendricks, Herbert, Hooks, Huger, Hungerford, Ingham, Jackson, Johnson of Kentucky, King, Langdon, Lewis, Little, Lumpkin, Lyle, Lyon, William Maclay, William P. Maclay, Mason, McCoy, Hugh Nelson, Thomas M. Nelson, Noyes, Ormsby, Parris, Peter, Piper, Pleasants, Roane, Root, Ross, Sharpe, Smith of Maryland, Smith of Virginia, Southard, Taul, Taylor of New York, Telfair, Tyler, Vose, Wallace, Ward of New Jersey, Whiteside, Wilcox, Wilkin, Williams, Willoughby, and William Wilson.

NAYS—Messrs. Adams, Adgate, Alexander, Atherton, Bateman, Baylies, Betts, Birdsall, Birdseye, Bradbury, Breckenridge, Brown, Calhoun, Carr of Massachusetts, Champion, Chappell, Clark of New York, Clarke of North Carolina, Clayton, Clendennin, Condict, Creighton, Crocheron, Culpeper, Findley, Forney, Forsyth, Gaston, Gold, Griffin, Grosvenor, Hall, Henderson, Hopkinson, Hulbert, Irving of New York, Irwin of Pennsylvania, Jewett, Johnson of Virginia, Kent, Kerr of Virginia, Law, Love, Lovett, Lowndes, Marsh, McKee, McLean, Middleton, Miller, Mills, Milnor, Moffitt, Moore, Moseley, Murfree, Jeremiah Nelson, Newton, Pickens, Pickering, Pitkin, Powell, Randolph, Reed, Reynolds, Rice, Ruggles, Savage, Schenck, Sheffey, Smith of Pennsylvania, Stearns, Strong, Stuart, Sturges, Taggart, Tallmadge, Tate, Taylor of South Carolina, Thomas, Townsend, Ward of Massachusetts, Ward of New York, Wendover, Wheaton, Wilde, Thos. Wilson, Woodward, Wright, Yancey, and Yates.

So the House disagreed to the report, leaving the amount to be filled by a future vote.

SATURDAY, January 18.

Mr. BROWN presented a petition of sundry inhabitants of the District of Maine, praying that an act may be passed to prohibit the exportation for a limited time, of breadstuffs and other articles of food.—Referred to the Committee of Commerce and Manufactures.

Mr. LATTIMORE presented a petition of the Legislature of the Mississippi Territory, praying that an additional Judge may be appointed for the said Territory, to reside east of Pearl river.—Referred to the Committee on the Judiciary.

Mr. LATTIMORE also presented another petition from the Legislature of the said Territory, praying that the title to lands in said Territory, arising under grants from the British authorities, may be extinguished.—Referred to the Committee on the Public Lands.

Mr. LOWNDES, from the Committee of Ways and Means, who have been instructed to inquire into the propriety of allowing to the State of Georgia, fifteen per cent. of her quota of the direct tax of 1816, assumed by the State, made a report, which was read: when, Mr. L. reported a bill authorizing the Secretary of the Treasury to pay to the State of Georgia fifteen per cent. upon the quota of direct tax for the year 1816, assumed and paid by that State; which was read twice, and committed to the Committee of the Whole on the bill to provide for the redemption of the public debt.

Mr. LOWNDES, from the committee to which was committed, on the fifteenth instant, the bill from the Senate, "concerning the Attorney General of the United States," reported the same without amendment, and the bill was committed to a Committee of the Whole.

Mr. ROBERTSON, from the Committee on Public Lands, reported a bill to continue in force an act, entitled "An act relating to settlers on the

lands of the United States," which was read twice, and committed to a Committee of the Whole on the bill making provision for the location of the lands reserved by the first article of the treaty between the United States and the Creek nation, to certain chiefs and warriors of that nation.

Mr. Sharp submitted the following:

Resolved, by the Senate and House of Representatives, That a joint committee of two from each House be appointed to allot to the standing committees of both Houses of Congress, and such select committees as are appointed at the commencement of each session of Congress on the President's Message, their rooms for the discharge of the public business.

The reason stated by the mover for this resolution was the impossibility, from the present arrangement and occupation of the committee rooms, of some committees acting on the business referred to them, &c.

The resolution was read by unanimous consent, the first, second, and third time, and passed.

On motion of Mr. Atherton, the Clerk was directed to cause the warrant of concession granted by the Spanish Government, to Elisha Winter and Sons, to be translated into the English language, and to have the said translation printed.

The Speaker laid before the House a Message from the President of the United States, transmitting an account of the contingent expenses of the Executive, for the year 1816; which was laid on the table.

The Speaker laid before the House a letter from the Commissioner of the General Land Office, transmitting the report of the commissioners for ascertaining and adjusting claims to land in the eastern district of the State of Louisiana; which were referred to the Committee on the Public Lands.

The amendments proposed by the Senate to the bill "directing the discharge of John Ricaud, from imprisonment, were read and concurred in by the House.

PETITION OF A. McCORMICK.

Mr. Yancey, from the Committee of Claims, made a report on the petition of Alexander McCormick, which was read and referred to the Committee of the whole House, on the report of the same Committee on the petition of Renner and Heath.—The report is as follows:

That the petitioner resides in the City of Washington, and at this time, and for several years past, has kept a retail store. At the time the British forces invaded the city, (on the 24th August, 1814,) the petitioner was a lieutenant in the artillery company of militia, commanded by Captain Benjamin Burch, and then in service. On the evening of the 24th, about eight or nine o'clock, a party of British soldiers, in company with an officer, broke and entered the house of the petitioner, and took from his store a large quantity of merchandise, stated to be of the value of eight or ten thousand dollars.

It appears by the affidavit of Captain Carter, of the Maryland militia, that on the night of the 23d he and his company lodged at the house of Mr. McCormick, and that they also halted at his house on their retreat on the 24th. The petitioner requests of Congress to pay him the value of his property plundered by the British soldiery.

The committee are of opinion that this is a common case of the wanton sacrifice and plunder of private property by the British forces during the late war. The circumstance of the claimant being in the military service of the country at the time did not change the character of his property, nor did it authorize its capture or destruction. Like the private property of every other citizen, it was entitled to protection, though it shared the same fate as the property of many others.

The committee recommend to the House the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.

THE COMPENSATION BILL.

The House then proceeded to the consideration of the bill to repeal the act of last session, commonly called the compensation law. The bill having, by the vote yesterday, been left blank as to the per diem allowance for attendance and for each day's travelling—

Mr. Grosvenor moved to fill the first blank with the sum of ten dollars, but spoke briefly against the necessity of allowing the same sum for each twenty miles' travelling, for which he thought the former sum of six dollars sufficient.

Mr. Williams, of North Carolina, said, that the refusal of the House, last evening, to concur with the report made by the Committee of the Whole, would induce him to break through the silence he had intended to observe on this question. He had always intended to vote in favor of repealing the law of the last session, which changed the mode and increased the amount of compensation to members of Congress; that he was in favor of restoring the original law, which granted a per diem allowance of six dollars; and that so long as the House appeared likely to carry his object into effect, he had not considered it his duty to address the Chair. But having seen, with no little surprise, that the House had reversed the decision of the Committee of the Whole, which fixed the future compensation of members at six dollars a day, he should hope to be indulged, while he offered such reasons as had occurred to him in favor of repealing the law of the last session, and against the motion made by the gentleman from New York (Mr. Grosvenor) to fill the blank with ten dollars. It was not his intention now to propose a different sum; he would give the House an opportunity to express themselves distinctly on the motion of the gentleman from New York; and afterwards, if not moved by some other gentleman, he would himself propose to fill the blank with six dollars.

This subject, said Mr. W., has already undergone an ample discussion; and, in reference to that fact alone, I might well abstain from any share in the debate. But the subject has assumed such an aspect of importance in the country; there is such a conflict of sentiment about it, that it becomes every gentleman to state distinctly the views by which he has been governed, as well as

those by which he is at present actuated. I had no idea, at the last session, that this subject would excite such lively feelings throughout the whole country. From Maine to Georgia, (as we were told by the Speaker,) from the Atlantic to the remotest settlement of the interior, there appears to have been an universal and simultaneous burst against it. I had, for the reasons which induced me to vote against it at the last session, supposed it might have been productive of some uneasiness in the public mind, but that it would raise a storm, which should shake the deepest foundations of popularity, and prostrate characters the most distinguished for long and faith fulservices, appeared to me scarcely possible, much less probable. Could such an event have been foreseen, he should have offered, at the last session, the reasons for the vote he then gave, although his acquaintance in the House, and the ample discussion the subject had undergone at that time, might, perhaps, have rendered a different course necessary.

The reasons, Mr. W. said, which had induced him to vote against the compensation law at the last session, would now induce him to vote in favor of its repeal. The mode of compensation had always appeared to him a very forcible objection. On this part of the subject, arguments had been offered, which were both explicit and convincing. It had been stated, that the mode is a departure from the long established practice of Congress; that it is a departure not only from the practice of Congress, but from the invariable usage of the Legislatures of the several States. In this reasoning he had fully concurred with gentlemen. He had thought the mode to be unprecedented; he had thought it to be impolitic; for it appears to have been the policy of the founders of the General and State Governments, to proportion the compensation to the services performed by their officers and agents. Where the quantum or amount of service was known, they attached a salary; where the quantum or amount of service was unknown, they granted a per diem allowance. A judge, for example, has certain duties to perform; he has so many courts to attend, and in these, generally speaking, there will be so many causes to try. The President of the United States has duties to perform every day; so has the Governor of a particular State. The amount of service performed by these officers will, on an average, be the same every year, and being known, they, therefore, have salaries. It may be said, that a judge has a fixed compensation to secure independence in the discharge of his official duties. I grant you, sir, this may have been one chief reason for fixing his salary. But independently of this reason, setting aside the numberless blessings which always have resulted, and ever will result, to society, from a virtuous judiciary, there appears, in the certainty of the amount of service performed by a judge, a sufficient reason to fix his compensation. But this is not the case in regard to the Legislature. There the business is undefined in nature and extent. Sometimes much business, of great importance, is to be transacted; at other times little business, and that of inferior moment, will come before them. During the last Congressional year, for example, the labor performed was better worth fifteen hundred dollars than that of the present year will be worth one thousand dollars. The quantum of labor performed by Congress being therefore unknown, it appeared unwise that members should receive a salary, because that would be attaching certain and fixed compensation to services uncertain and undefined in their amount. These are briefly my reasons for opposing the mode of compensation adopted at the last session.

An objection to the measure itself arose from the time at which it was adopted. The gentleman from Kentucky (Mr. JOHNSON) very properly remarked, when he introduced this subject, that at the last session the taxes were considerably lessened. Yes, sir, the taxes were greatly reduced at the last session. The direct tax was reduced to one half; the tax on manufactures wholly removed; the still tax, and that on retailers, considerably lessened; and no doubt, when the people reflect on the subject, they will give Congress all due praise for those measures of reduction. But the taxes on the people appeared still too great, and their embarrassments too perplexing, for Congress to hazard the experiment of increasing their own pay. Had the people been free from all impositions of the kind, they would not have received this measure so ungraciously. The people, sir, are liberal. They would never object against allowing their Representatives adequate compensation. But while, as a consequence of the war, the people were obliged to sustain taxes and privations in any degree, it did appear more correct that Congress should also bear the privation and loss incident to them. If the law of the last session had been blameless in all other respects, it would have been a sufficient objection that the people were, at that time, taxed. That they yet felt the consequences of the late war.

It also appeared indelicate that we should increase our own pay. Upon this point I know there has been much misrepresentation in the newspapers and elsewhere, and it is greatly to be lamented that newspapers have such control over the opinions of the country, unless they were vehicles of more correct information. The present Congress have been charged with violating the Constitution, which they had sworn to preserve; clauses, sections, and articles of the Constitution have been adduced to prove the charge. A belief that it is true, has been disseminated through some portions of the country, and no doubt has very much tended to increase the displeasure of the people. But upon examining authentic copies of the Constitution, it will be seen that the charge is utterly unfounded; that no part of the instrument contains the prohibition to which reference has been made. It must then be admitted, that it was not a question of Constitutionality, but merely a question of delicacy, which every member was at liberty to determine for himself. For my own part, I could not support a measure, of which I was to be the immediate beneficiary. It is a duty which every one owes to himself, to

act in such a manner as to be free from all imputation, to bid defiance to the assaults of malevolence, however dark, or of asperity the most pungent. In the observance of this rule, it became my duty to oppose the law of the last session. It now also becomes my duty to advocate its repeal.

There had been many objections, said Mr. W., against the amount of compensation allowed by law. He was aware, he said, that this could not be ascertained by any known rule, as the amount per day would depend altogether upon the length of the session. Sometimes it would be more and sometimes less. The situation of the country might be such as to protract the session to six, eight, or ten months. In this case, the amount per day would be much less than when Congress should remain in session only three or four months. It would, therefore, be incorrect to say, that the compensation amounted to any precise sum per day; or that this sum was greatly beyond the expenses necessarily incurred at the Seat of Government. It might so happen that members, during a session of great length, would be brought in debt; and, on the other hand, that, during a very short session they would receive for their services a much larger amount than six dollars a day. The amount per day, as before stated, would altogether depend on the length of the session, and in this consisted another reason for preferring the daily allowance made by the original law. For myself, I found that I could live decently on the former compensation of six dollars. Other gentlemen necessarily and unavoidably incurred much greater expense, and to them no doubt the six dollars a day might have been insufficient. In deciding this question, however, I would be supposed to have reference only to that portion of expense necessarily incurred by myself, and finding the six dollars a day sufficient to defray my own expenses, it could not be expected that I would, under these circumstances, vote for the measure. It was impossible for me to tell what portion of expense beyond the six dollars a day incurred by other gentlemen, could not have been avoided by them; and it will never be pretended that Congress should provide by law for all the expenses of members, however avoidable or unnecessary they might be. I make the declaration and appeal to the candor of the House to sustain me in the truth of it, that the former compensation was, generally, enough to defray the expenses of gentlemen. But I do not pretend to assert, at the same time, that any one could make money by coming to Congress at six dollars a day; nor do I believe it was ever intended that a seat in this House should be regarded as a money-making business. If we are to hold out pecuniary inducements to men of the first talents, we should not stop at six dollars a day, at fifteen hundred a year, or at twenty thousand a year, because many men who have thought themselves honored by a seat in this House, make from five thousand to twenty-five thousand dollars a year by their professional pursuits. To proceed, then, on the ground of pecuniary inducement, would be impracticable. It would defeat the object of our Republican institutions, viz: economy through every branch of their administration. But, to regard a seat in this House as an honorable employment, attended with such pecuniary benefit as would indemnify us for all expenses necessarily incurred, appears more consistent with the character and design of our Government. For that purpose, I found the former compensation of six dollars a day quite sufficient. If other gentlemen found it insufficient for themselves, they, no doubt, voted conscientiously for the law of the last session. With the motives of gentlemen I have nothing to do, but trust always to feel great respect for them, even in cases where we differ.

The charge which has been made by demagogues, by those who are interested in deceiving the people, that Congress, by this law, committed something like an act of peculation, is utterly unfounded and unbecoming. It is much to be regretted that this measure has given rise to the most unworthy suspicions and unfounded accusations against Congress. It can never be asserted with truth that the measure was unconstitutional, or that it was adopted with any improper design of personal benefit. Even those who clamor most against this law, the greedy expectants of future promotion, must believe that the measure was adopted, on the part of those who supported it, with precisely the same views and motives which govern them in the adoption of every other measure; that is, they believed it would be useful to the country. I, sir, am willing to say and to testify by my vote now, as I did at the last session, that, in this as well as in many other measures, the Representatives mistook the interest and wishes of their constituents. But that they were actuated by a spirit of hostility to either, cannot be believed by any one.

The reasons already assigned with as much brevity as possible, induced me to vote against the compensation law at the last session. But I have now an additional reason, stronger than any yet offered, to vote in favor of its repeal. I mean the general voice of the country against it. The gentleman from South Carolina (Mr. Calhoun) took occasion to observe on yesterday that he felt himself under no obligation to obey the will of his constituents. Against this doctrine, sir, I beg leave to enter my decided protest. I wish it to be as distinctly understood, that I should feel obliged, by the instructions of my constituents, as the gentleman did, that he would not feel himself obliged. It is indifferent to me in what way the will of the people is made known, provided it be deliberately and gravely expressed. If thus expressed, I hold it binding. For, sir, the people are the sovereign power in this country. Hence, I lay down the broad principle, that they must be right; in other words, that they can do nothing wrong, and ought to be obeyed. Whenever the sovereign power is lodged in any Government, there must be at least theoretical infallibility. In monarchy, the sovereign power is lodged in a single individual, and hence it is common to say that the King (as in England) can do no wrong. Now,

sir, although this may be incorrect or absurd in regard to the practice of England, yet it is theoretically right. The idea may be illustrated in this way: It will, I presume, be granted that a power which can do no wrong, ought to be obeyed at all times. But the sovereign power must be obeyed at all times. Therefore, the sovereign power can do no wrong. If this be true in regard to monarchy, it is much more true in regard to our own Government. There the sovereign has not only all the infallibility assigned to him in theory, but likewise all the reality of physical force. If the sovereign of England should do wrong in practice, as has often occurred, and will frequently occur again, the people, in whom the physical strength resides, oppose him, and in this way obtain redress. But, in our Government, the case is widely different. Here, the supposed infallibility of a sovereign, and the real physical strength, both reside in the people. And if the people should perchance do wrong, how is that wrong to be corrected? The people cannot resist themselves; and if they should even do wrong in practice, there is no power on earth to oppose them. If, in England, the sovereign must be obeyed, because he can do no wrong in theory, it appears to me that, in our own Government, the sovereign must be obeyed, because he can do no wrong in theory or practice; and that is the difference between a Republic, constituted like ours, and a monarchy. That the people are the sovereign power in this country, gentlemen have not pretended, nor will they dare, to deny. This principle is consecrated as the basis of all our political institutions, and long may the people continue to exercise the power which they have thus solemnly guarantied to themselves. Shall I not, then, cheerfully yield obedience to their voice, and say this law ought to be repealed? Yes, sir, it would be my duty, even if I had previously been in favor of the law; but, as I was opposed to it at the last session, I should now, if it were only in regard to consistency, be for repealing it. But the gentleman from South Carolina (Mr. CALHOUN) will object to this reasoning, because it involves the admission of a right in the constituent to instruct his Representative. Most certainly it does, and for that I contend. We, sir, are no more authorized by the Constitution to suppose the people destitute of intelligence and virtue, than to suppose them destitute of physical strength. The Constitution attaches to them power, wisdom, and goodness, as their attributes of sovereignty. The will of the sovereign, invested with these attributes, must be obeyed, as well from the necessity as the reasonableness of the thing.

It has been urged, on the other hand, that the people are not always sufficiently advised of the circumstances attending a measure, to pronounce upon the policy of its adoption, and that, to practice upon the presumption that they were sufficiently advised, would lead to fatal consequences. But I think differently. The people cannot, and never will, speak in a voice audible or directory to their Representatives, unless they are duly apprized of the various connexions and tendencies of any given measure. I, sir, no more than the gentleman from South Carolina, would have a Representative surrender his judgment in obedience to mere passion or caprice. But if the Representative has no rational doubt that the people, in all their integrity of heart, and with all the means of judgment before them, would decidedly object to a measure, or firmly wish its adoption, then I hold that their will should be obligatory upon him. He should not set at defiance their instructions. He should consider that, if the people are sufficiently informed to make a wise election, they ought to be sufficiently informed to give wise instructions; that, if a supposed want of information would disqualify them from doing the former, the same want of information ought to have disqualified them from doing the latter. Such reasoning would at once strike at the wisdom and policy of the Constitution, and therefore must be erroneous.

If it be true, in regard to measures generally, that a Representative should be bound to act according to the deliberate will of his constituents, it is particularly so in regard to the measure now before the House. On the subject of compensation to ourselves, motives of mere delicacy should induce us to comply with the will of the people. They have pronounced, in language not to be misunderstood, that the law of the last session was wrong. If they have spoken thus, it is our duty to repeal it. But gentlemen contend that we hear nothing but the voice of faction; that, if the law is condemned, it is chiefly by those who do not understand it. Sir, we do not hear the voice of faction alone on this subject; neither are the people ignorant of the law. If they have not realized the force of arguments offered in support of the measure, it is because the arguments have not corresponded with facts. The chief argument was, that the pay of members had become less valuable by depreciation; and that, in consequence thereof, the talents of this House had depreciated. But, does this argument agree with the fact? I pretend not to have an opinion of my own on this point. My situation has not been such as to enable me to judge. But other gentlemen, of high character and long standing in this House, say that the present Congress will not suffer by comparison with any that has preceded it. Instead, then, of the talent of the House depreciating, as the pay depreciated, the fact is otherwise. The argument, therefore, does not agree with the fact, and this may be assigned as the reason that the people have not assented to the measure. Convince the people that this law is now expedient, on the ground which has been urged; satisfy them it is necessary to command the best talents of the nation, and you will not hear a syllable against it. They know too well the value of self-government to be unwilling to pay the expense of any measure calculated for their good. But so long as the necessity is not apparent, so long as our first men for talents and information occupy seats on this floor, at six dollars a day, we

cannot be surprised that the people have been unwilling to sanction the measure. Viewing it in all the lights in which it has been presented, I think it ought to be totally repealed. For that purpose, I hope the motion made by the gentleman from New York, to fill the blank with ten dollars, will not prevail, but that it will be filled with six dollars, by which the original law will, in effect, be restored.

Mr. Tyler, of Virginia, said that he felt it due to himself to offer a few remarks to the House on this subject. He did not, he said, float into that House on the tide of popular declamation. He had been elected to supply a vacancy occasioned by the lamented death of his honored predecessor. Popularity, he said, was to be desired by all. The good esteem of his fellow-men is the best reward the patriot can receive. You have no robes of office here to bestow—no star or garter to confer; but the proudest title of which we can boast, and the only one worthy of being boasted of, is that which is to be read in the applause of our contemporaries, and the gratitude of posterity. This applause was not to be obtained, he said, by a low, grovelling, mean pursuit of popular favor. No, sir, the man who rests his hopes of popularity upon such a course, will, most assuredly, be disappointed in his object. Popularity might, he had always thought, be aptly compared to a coquette; the more you woo her, the more apt is she to elude your embrace. It is by pursuing a steady, firm, and uniform course, not at variance with the rights of the people, that she is made to yield to your embrace.

He said that the applause of which he had been speaking, was not either to be obtained by the adoption of that high-toned principle, which caused a man, the moment he became a member of this House, to set up his opinion in opposition to the opinions of thirty-five thousand of his constituents; to adopt the belief that they might err, but that he could not. Mr. T. inquired, who was the member of this House that would undertake to set up his opinion in opposition to that of his constituents? If a member of this House was not a Representative of the people, what was he? And if he was, how could he be regarded as representing the people when he spoke not their language, but his own? He ceased to be a Representative of the people when he did so, and represented himself alone. Was the creature to set himself up in opposition to his creator? Was the servant to disobey the wishes of the master? Mr. T. said, from the very meaning of the word representative, the obligation to obey instructions resulted. The Federal Constitution had been submitted to conventions of the different States for adoption. Suppose the people had instructed their Representatives in convention to have rejected the Constitution, and their instructions had been disobeyed, would this, he asked, be called a Government of the people, adopted by their choice? The gentleman from South Carolina had not denied the right of instruction in the formation of the Government. Was there any difference in principle between that case and the case of instructions to this House? The members of the Convention were the representatives of the people in the organization of the Government; we are the Representatives of the people in the administration of that Government. Why, Mr. T. asked, was responsibility to the people preserved? If the opinion of a member of this House is to be regarded as more correct, if he is to be esteemed more wise than they are, why should he be responsible to his constituents for his conduct? It is the height of absurdity to say that a man shall owe responsibility to a tribunal not so capable of deciding between right and wrong as the individual himself.

Mr. T. acknowledged that if instructions went to violate the Constitution, they were not binding. And why, he asked? My constituents, said he, have no right to violate the Constitution themselves; they had, then, no right to require of him to do that which they themselves had no right to do. He regarded it, therefore, as only necessary that he should know the wishes of his constituents, in order that he should obey them.

In his support of the doctrine for which he had been contending, he was not to be understood as speaking of a mere buzz or popular clamor. He would be as little disposed to attend to anything of that sort as any gentleman; but he spoke of the voice of the majority of the people, distinctly ascertained. The gentleman from South Carolina had mentioned the name of Edmund Burke; he had properly been called by a gentleman from Massachusetts (Mr. Conner) the pensioned Burke. He venerated the talents of that distinguished orator as highly as any man. He held also in high respect the memory, and talents, and virtues of the immortal Chatham; but, highly as he esteemed the memories of those illustrious statesmen, Mr. T. said that they would suffer no disparagement by a comparison with the immortal Sidney. Mr. T. preferred to draw his principles from the father of the church—from the man who had fallen a martyr in the cause of freedom—who had consecrated his principles by his blood—from the fountain from which has flowed the very principles of the very Constitution under which we act.

Mr. T. said that he should vote for a repeal of the compensation law. He knew it to be the wish of his constituents that it should be repealed. He said that he had had a fair opportunity of knowing their wishes; that he was fresh from their hands. He was not disposed to hold up his constituents in the ridiculous light in which some gentlemen had represented theirs. He said he had too much respect for them to do so. His constituents had looked to the large national debt—they thought it required reduction—that economy was necessary. They saw the tax-gatherers dispersed through the country. They could not be made to understand why, at a time that retrenchment was necessary, Congress should have increased their wages. It was, said Mr. T., vain to tell them, as some gentlemen who had been very nice at calculation had made it appear, that each of them had only to bear an ad-

ditional burden of 1¼ cents. The answer was at hand: They said, and had a right to say to you, take the pressure from off our shoulders, we feel the weight of it; take the burden from off our backs, then take it from off your own backs. Sir, said Mr. T., they went further. Although they did not believe that this Congress was corrupt, they regarded you as setting a bad example. They looked forward, said he, to distant and more corrupt times, when wicked men, profiting by this example, might vote themselves ample fortunes, and then laugh at the people. I repeat, said Mr. T., that my constituents did not think this body corrupt for having passed this law. They looked here, he said, and saw men who had devoted their youth to the service of their country, and who had grown old at the helm of the vessel. They saw among you many who had rode out in security the boisterous storm of faction and of party, and had avoided the whirlpools that had threatened to swallow up you and them. They looked to the field, and saw many of you with your breasts exposed to receive the lightning ere it fell on the bosom of your country.

My constituents, I repeat it, sir, did not distrust your patriotism, but they strongly disapproved your course. It was not for him to inquire into the correctness of their opinions; it was enough for him that he knew their will, to cause him to obey it. Mr. T. declared that he would vote for a repeal of the law, to take effect from the first of the session, and that he hoped it would pass in that form.

Mr. GROSVENOR, of New York, apologized to the House for rising at so late an hour. [It was past 4 o'clock.] He said he had abandoned his intention to address the House upon the question before them, and he should not have resumed it for the mere purpose of discussing the merits of the bill of last session, now proposed to be repealed. The merits of that measure appeared to him to have been ably and amply examined. Several gentlemen had triumphantly vindicated the law. Among them, Mr. G. said, he had heard with peculiar satisfaction the able, manly, and Constitutional speech of the honorable gentleman from South Carolina, (Mr. CALHOUN.) [Mr. G. paused a moment, when he proceeded.] Mr. Speaker, I will not be restrained, no barriers shall exist which I will not leap over for the purpose of offering to that gentleman my thanks for the judicious, independent, and national course, which he has pursued in this House for the last two years, and particularly upon the subject now before us. Let the honorable gentleman continue with the same manly independence, aloof from party views, and local prejudices, to pursue the great interests of his country—and fulfil the high destiny for which it is manifest he was born. The buzz of popular applause may not cheer him on his way, but he will inevitably arrive at a high and happy elevation in the view of his country and the world; and to those who surrender their conscience, their judgment, and their independence, at the shrine of popular caprice and clamor, he shall finally hold the same relation, that the eagle in his towering flight holds to the grovelling buzzard. No gentleman had been bold enough to encounter his argument of yesterday. No gentleman could encounter it without a sure prospect of discomfiture.

It is unnecessary to add, said Mr. G., that I agree with that gentleman in all his views of the propriety, importance, and necessity of the bill of last session.

It is perfectly notorious, hardly a gentleman, be he for or against that bill, has denied that an increased pay to the members of Congress was essential to their comfort and support. By the depreciation of the coin, the old per diem pay had sunk to half its original value—and the bill of last session did not restore the present members to an equality of compensation, with those who were here in the first years of our Constitution. Nor can any gentleman who has experienced the expenses of a temporary residence at the Capital, pretend for a moment, that the compensation of last session is a lavish allowance, for services of gentlemen, under circumstances like those which surround the members of this House.

But, Mr. Speaker, this view of the subject sinks into insignificance, when compared with another, first exhibited by the gentleman from Louisiana, (Mr. ROBERTSON,) and enforced by the gentleman from South Carolina.

The purity, dignity, and independence of this House, the interest and safety of the people, the durability and spirit of the Government, all demanded an increased compensation.

Talents, integrity, and political experience, can be kept on this floor only by something like a remuneration for the services of those who possess them. Not, Mr. Speaker, a full remuneration; but such a reward as will enable the possessors of them, without becoming "worse than infidels," to devote them to the good of the country.

Is it not important to the existence of the Government, to the safety of the people, that talents, integrity, independence, and political experience, should be placed and continued here? Look at the power and patronage of the Executive. Armies, navies, revenues, with all their hosts of dependants, with the whole civil list of officers and salaries! With these mighty instruments of influence and power, the Executive pervades and influences the whole Republic. And the eyes of every ambitious and aspiring man must be elevated above this House, to Executive favor, as the object of all his hopes and all his exertions.

Well have gentlemen said, that to resist and render harmless this flood of patronage and influence, the people can look only to this House. It is through this House the Treasury must be watched and protected from abuse. By this House only can the people exercise the power of impeachment. Through it only can the minions of patronage, the instruments of oppression, be seized and dragged to the public tribunal, and punished for their offences. And here, too, and here only, can the great source of all power and patronage, the Executive himself, be arraigned and punished for abuses of his power, for injuries to the people.

Can it then be wise to degrade this House? Can it be safe for the people to shatter in pieces their own shield and buckler? To wither the arm that, in their cause and their defence, must wield the sword of justice and of punishment?

Can it be for their safety to place the compensation of the members on a footing, which will render this House a receptacle for the rich and the powerful on the one hand, and the unprincipled hunters after Executive favors on the other; and infallibly exclude from its walls all in those middle walks of life, where, in this country, talents, knowledge, and political experience, though not exclusively, are most generally found?

What must finally result from such a policy? Why, sir, this House will become, as the Commons of England, a mere step in the ladder of ambition—a barren bough, on which the birds of foul omen will rest for a moment, only to take a new flight to the higher regions of office and patronage; while those who shall remain will constitute a mass of inert matter, receiving motion and direction from the hand which the Executive shall set apart to manage it.

And then, instead of constituting, as was originally intended, a mound against the flood of patronage constantly flowing into the great Executive reservoir, it will itself plunge into the stream; and aid to swell and give force and violence to the current, which will sweep away the liberties of the people. Sir, upon a question involving, as in my conscience I believe this does, such consequences, I will not descend to the calculations of shillings and pence. Every dollar, within reasonable reward and compass, bestowed on the members of this House by the people, will add only to the patronage of the people. It will render less attractive the glittering baubles in the hands of the Executive; and by increasing the dignity, independence, and strength of this House, will render it forever inaccessible to the sappings and minings of Executive patronage, and to the open assaults of Executive power.

I have heard it objected, that, if the compensation for services here be increased, men will seek a seat in the House, merely from a base love of the emolument. Sir, it is a vulgar and gross error, to suppose that men in general seek for high office and political power from any sort of regard to the pitiful pecuniary rewards with which it is attended. This is the passion of underlings only, of the base and grovelling spirits who are without any real love of fame or glory, and this is the imputation which they justly seek to fasten on each other. But it never can attach to the genuine statesman of our Republic, nor to any who aspire to be ranked among its statesmen.

If the compensation to members be placed on an honorable and competent footing, the doors of this House are opened to such honorable and aspiring citizens; and the men of base and grovelling spirit, who seek a seat here for the paltry pittance of emolument by which it is attended, will stand no chance in the competition. No, Mr. Speaker, the objection is not substantial; it recoils upon the objector. It is only by reducing the reward for service so low, as to leave men of character, and honor, and independence, and science, no decent support at the Capitol, that you can close the doors of this House upon them. Such men are then driven from the political field, and the purse-proud nabobs on the one hand, and the ignorant noisy fawning sycophants of power on the other, for whose talents and services the lowest compensation may be a high remuneration, will pour into this House without check or competition.

Another objection has been repeatedly advanced. Increase of compensation tends, it is said, to render the Representative independent of the people and unfaithful to their interests. This objection supposes, in him who makes it, a total ignorance of the theory of our Government. Is not every member periodically reduced to a level with the people? And can he again rise but by the will of the people? This is his dependence; and whether he receives six, or sixteen dollars per day, it can have no conceivable influence upon that dependence. He holds his seat by the tenure of good behaviour. And singular indeed is the notion, that, in proportion as you increase his pay and render his seat valuable, he will find inducements to neglect his duty and insure its forfeiture.

But Mr. G. said the merits of the bill had been amply discussed by others. He would pursue that topic no farther.

He had risen almost entirely to examine another doctrine, which had become essentially connected with the subject; a doctrine which, if it were sound and Constitutional, would indeed render all arguments upon the main question worse than useless. It had been distinctly announced by several gentlemen in the course of the debate, who had voted for the law of the last session, that, although their minds remained unchanged as to the justice and policy of the law, they should now vote for the repeal, because they were instructed to do so by their constituents.

Others had declared, that they considered the voice of the people against the law, and this they considered as tantamount to a command or instruction, which they were bound to obey, without considering the reasonableness, justice, or policy of that command or instruction.

The gentleman from Virginia, (Mr. Tyler,) who had just taken his seat, has not hesitated to repeat this doctrine in the broadest terms, and to press it earnestly upon the House.

This position is, that the people, in districts, in States, and throughout the Union, have distinctly decided the question, have commanded the repeal, and we are bound, by our Constitution and the nature of Government, to obey their commands.

Mr. Speaker, if the gentleman be correct, if the *fact* and the *law* be indeed as he stated, what a spectacle of singular folly has this House exhibited during the whole week. We have been gravely discussing the merits of a measure already decided by the Constitutional and competent authority. Nay, the honorable gentleman himself,

in the speech which he has just closed, has presented his full share of this incongruous spectacle.

Has he not pressed upon us the propriety of the repeal of the law on its own demerits? How does he reconcile that with this doctrine, which leaves us no right to examine its merits? He first pressed upon us a doctrine which deprives us of all volition or free agency, and then spent a full half hour in inquiry with us as beings having a right to volition and free agency in favor of the repeal.

Mr. Speaker, I deny, I wholly deny, that in the nature of a representative Government, in the spirit of our system, or in our Constitution, one principle, reason, or provision can be found, on which this doctrine of the right to *instruct* in the people, and the obligation of such instruction on the Representative, can rest for a moment. It matters not to me what form of *instructions* gentlemen may designate; whether in writing or by parol; whether by the people of districts, of States, or of the whole nation. They have no Constitutional power to fetter the free will of the Representative, or to control his judgment, his conscience, or his independence, in any the highest or the lowest act of legislation.

If such a right exists in the people, and such an obligation on the Representative, they must be somewhere defined. And where would gentlemen search for them? Surely not in the visions of cosmopolites, not in the licentious fictions of the French revolutionary school, nor in the written and unwritten creeds of jacobins and despots throughout the world. The statesmen of our Revolution trusted their rights to no such perishable and undefined securities. No, sir, we must find them in that instrument where the nature of our whole system of Government is delineated; where the liberties of the people, the powers, prerogatives, and duties of every department of our Government are granted, defined, and secured; in the Constitution and in no other instrument under Heaven. Let gentlemen then turn with me to the Constitution. The analysis shall be short to demonstrate, not only that in all its sections not a trace of this doctrine of instruction can be found, but, also, that it is wholly opposed to the fundamental principles of the Government therein delineated.

The people were the sovereign of this country. From them emanated all the powers of Government. This is now the settled doctrine of the civilized world, and he must be a madman or an idiot in this Republic who would dispute it.

The sovereign people met in convention to organize a Government which should secure the rights and prosperity of the whole. What was the frame and nature of the Government which they formed? I enter not into the detail of its new and complicated machinery. I speak of its general divisions, its broad and essential features. They surrendered to, and divided among, certain officers, created by themselves, certain portions of their sovereign power. And this is the language in which they expressed that grant and that division:

"All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

"The executive power shall be vested in a President of the United States of America."

"The judicial power of the United States shall be vested in one Supreme Court, and such other inferior courts as Congress shall from time to time establish."

"Legislative power" is the power to make laws—"judicial power" is the power to construe and interpret those laws—and "executive power" is the power to execute them.

Here then, Mr. Speaker, is the sovereign, legitimate "voice" of the people—here the great and obligatory instructions which, and which alone, the officers of this Republic are bound to obey. The members of this House and the Senate are "instructed" to make the laws; the judges are "instructed" to interpret, and the President to execute them. Does not the power of legislation imply, of necessity, volition, free agency—the right to make the law, or not to make it, as the legislator shall deem expedient?

Shall I be told that the legislative power is vested in a body, which, in every act of legislation, is legally subject to be arrested, defeated, controlled, and absolutely governed by another, a distinct and a paramount Constitutional power? As well may gentlemen tell me that the power over life and death is vested in the gallows and guillotine, and not in the judge and executioner; as well may they tell me that the power of legislation is vested in the Speaker of this House, or the President of the Senate, because their signatures, made under the entire control of Congress, are requisite to give validity to every law. No, if this doctrine be true, then is the Constitution a *felo de se*. For it has granted a power, and rendered it idle and nugatory, by reserving a right absolutely and essentially repugnant to the grant; it has vested in Congress an absolute power, which essentially continues to reside in the people, by them to be exercised through the medium of "instructions," and Congress becomes in every act of legislation, instead of a legislative body, a mere passive instrument, like the clerk who engrosses the bill, or the pen and parchment with which it is recorded.

Sir, this reasoning applies with equal force to every department of our Government—to the Judicial and Executive equally with the Legislative; and the conclusion is irresistible, that not only is the Legislature, but the Judicial and Executive power are, at this moment, in the hands of the people. If the people have indeed reserved to themselves a power, rendering thus nugatory and wholly insufficient the powers they have expressly granted, that reservation must, by every rule of fair construction, be expressed and not implied. In what page of the Constitution does the gentleman find any such reservation? From what article or section will he read me anything like a right reserved to the people, either directly or indirectly, to legislate, to judge, or to execute? If there be any such, let it be distinctly brought to the eye of the House. There is none to be

found. It would have stained its fair pages, for it would have attempted an absurdity, to grant and retain by the same instrument the same power and authority to secure a right in the nature of things incapable of execution.

But if no such right was reserved; if, by the Constitution, the whole power of legislating, judging, and executing was granted, will gentlemen say that the people have revoked the grant? I call for the instrument of revocation. I will not accept the toasts and harangues with which the 4th of July meetings may have frighted honorable gentlemen. I will not accept those indecent resolutions which interested demagogues may have persuaded their knots of partisans to adopt at their electioneering conventions. Nor will I recognise the officious intermeddlings of State Legislatures upon a subject with which they have no Constitutional concern. I call for a revocation of these grants, not carried by acclamation, but made and executed in the manner which the people themselves have prescribed. If no such revocation can be produced, the grants remain in full and valid force, and the several branches of our Government continue to hold, exclusively, and without the participation of any power on earth, the independent right to legislate, to judge, and to execute. This right they have solemnly sworn to execute; and to surrender it, even to the people themselves, would be as clear a violation of the Constitution as an attempt to transfer it to an aristocracy or a monarchy. They cannot surrender it without resolving the Government into its original elements, nor can the people violently resume it without prostrating the Constitution of their country.

Against these conclusions I know gentlemen will exclaim with much apparent surprise and horror. The gentleman from Virginia (Mr. TYLER) has already done so. What, he asks, are not the people the creator, the Representative the creature? The former the master, the latter the servant? And is the creature independent of the creator—the servant above the master?

Sir, by the use of names nothing is proved; and an argument resting alone on such a basis hardly deserves examination or answer.

But, if an answer be necessary, it is to be found in the Constitution. The objection implies, that if the people may not instruct with obligatory force the Representative, he is independent of the people. This notion, Mr. Speaker, is founded on a total misconception of the theory and nature of our system; it supposes that the checks upon the abuse of power by their rulers, retained by the people, was a right at all times to interfere with all their acts, and to participate in the exercise of all their powers and duties. Widely and totally distinct from such a system is the actual plan of our Government. I have already remarked, that the sovereign powers of Government were delegated in distinct portions to different and distinct rulers.

But the people well knew the tendency of power to corrupt its possessors—to degenerate into abuse and oppression. Against such corruptions, abuses, and oppressions in their rulers, they resolved to hold in their own hands checks the most effectual, securities the most powerful, which were consistent with the nature of the system. These checks and guards consisted in the direct and indirect responsibility of the rulers continually or periodically to the people themselves. Thus the judges are constantly, though indirectly, responsible to the people for all their judicial conduct—they are subject at all times to impeachment by this House, the immediate representatives of the people.

The President is responsible every fourth year directly to the people—for he then descends to their level, and depends upon their will for a re-elevation. But as that dependence is not direct, he is also constantly subject to punishment for misconduct by impeachment at the instance of this House.

The members of the Senate are periodically, though indirectly, responsible to the people through their State Legislatures.

The members of this House are every second year responsible directly to the people. At that short period they sink into the great public mass, and their official conduct, stripped of all adventitious aids, lies unveiled and naked to the inspection of the people. Can the wisdom of man contrive a more perfect security against all dangerous abuse of power?

The immediate Representatives of the people, biennially brought before the people, stripped of all power, and wholly dependent on their will for continued official existence. The Executive, every fourth year, subjected to the same responsibility, and the same dependence, while both he and every judge are responsible for their conduct through the right of impeachment vested in this House. This, sir, is the true theory and spirit of our representative Government. Responsibility for conduct, not control over it, while in office, is the real secret of our safety.

This is the great and active principle which pervades our Constitution, and, like gravitation in the great solar system, confines each body to its orbit, regulates the whole machinery of our Government, and produces in all its parts that order and harmony, and perfect safety, which was the great object of its creation.

In this cursory view of the nature of our system is found a perfect answer to the objections and exclamations of the honorable gentleman from Virginia.

The Representative is not independent of the people, or, if other language better please him, (it pleases not me,) the creature is not independent of the creator; the servant is not above his master. But his subordination and dependence is that, and that only, which is defined in that instrument, by adopting which the people spoke him into existence. If a biennial responsibility, the responsibility of a man endowed with reason, volition, free agency, and the power while a Representative to use them according to his best judgment, uncontrolled by any paramount au-

thority whatsoever; such and such only is the dependence in any degree sanctioned by the spirit of a representative Government.

This Constitutional responsibility, the manly and patriotic dependence of a rational being, the proud and dignified submission of an American freeman and Representative, to the only sovereign of his country, is totally subverted by this new doctrine of obligatory instruction. Under its influence, when, on the day of election, he shall meet the people, no more can they demand from him evidence of his ability, his integrity, his fidelity to the Constitution, and the interests of the State. "Has he never deviated from our 'instructions? Has he constantly opened his ear 'to every popular clamor, and with a conscience 'sufficiently supple, and a spirit sufficiently ab-'ject, bent and bowed to every blast of the popu-'lar breath that has passed over him?" Consistent with this doctrine of express and implied instruction, questions of this character alone can he be required to answer.

And what must be the effect on the character and conduct of this House? No longer will the great considerations that influence its conduct be—what is just, what is expedient, what is wise, what is Constitutional—what do the exigencies of the Republic demand? No, in every act of legislation, the Representative must cast his eye back to his district. How points the political weathercock now; which way flows the popular current; what is the whim of my district; what is the voice of my State; what is the clamor of the day? These must become the great objects of solicitude, and, as these questions are answered, he will say aye or no to every measure. And thus the great benefits of a Representative Republic are wholly sacrificed. All the value of political science, experience, and firmness in the Representatives is thrown away; all the lights of superior wisdom and able discussion are blown out. The legislator becomes an automaton, to be danced on this floor by wires to be held and managed by those active and turbulent demagogues, who, in succession, become the leaders of the people. Oh! then, indeed, it shall matter little what shall be the compensation for services here; for what shall it matter who may occupy these chairs? Be he wise or be he foolish; be he learned or be he ignorant; with brains or without brains, it is all the same. If he has skill to spell out his instructions, and to snuff at a goodly distance the tainted gale of popularity; if he has sense enough to understand the affirmative from the negative, and a tongue to cry aye and no, he is armed cap-a-pie for legislation—he is fully qualified to perform all the duties of an instructed Representative.

Sir, were we to examine all the musty folios of political empiricism; were we to wade through the innumerable visions of political dreamers since the flood, to find that principle most repugnant to our system of government, most degrading to our rulers, and most destructive to our prosperity—in my conscience, and on my honor, I believe we might return to this doctrine of obligatory instruction, as the one which combined in itself, and in its consequences, as much of all these qualities as any other.

But, Mr. Speaker, were this doctrine as consonant with the spirit and structure of our Government, as it is repugnant to its principles and subversive of its benefits, it is yet wholly absurd, because it is impracticable. If the right of the people to instruct, and the obligation on the Representative to obey do really exist, is it not very strange that we do not find in the Constitution, in the laws, or in the principles of our system, some method presented, in which the right may be exercised, and the obligation enforced? Is it not idle to talk of a perpetual power which cannot be executed by its possessor, or of an obligation which can, by no possible means, be legally enforced? How are the people to exercise this right of instruction? Shall each district instruct its Representative? Some gentlemen have said so. But, may I ask these gentlemen where, in the Constitution, they find a recognition of such a political division as a district? "The House of 'Representatives shall be composed of members 'chosen every second year by the people of the 'several States." The people and the States are recognised as separate and distinct political powers; but where does the district derive any distinct political power, to interfere in the Government of the Union? Sir, the district is the creature of a State—created for the convenience of suffrage—subject, at any time, to lose all separate existence by an act of the State, or the Legislature of the Union. And whence do honorable gentlemen derive another position, which their arguments clearly imply, that, in this House, the Representative dwindles down to the mere agent of a district? For myself I disclaim the idea, as equally unconstitutional and degrading.

When a member enters this Hall, he becomes a Representative of the people of this Republic—he becomes a legislator for the whole American community. What are his duties? Do they constitute him merely the guardian of his district? Are they confined to the little corners of townships and counties? No; they embrace the rights, the interests, and happiness of a great Republic. They "insure domestic tranquillity, provide for 'the common defence, promote the general wel-'fare, and secure the blessings of liberty to our-'selves and our posterity;" these are the sublime and comprehensive terms in which the people have taught to all their Representatives the great duties of their stations. Can we possess a feeling and a spirit requisite for the performance of these great and general duties, if we consider ourselves the mere Representatives of distinct sections of the people? Can we act well for the great interests of the whole, if we degrade ourselves into the separate and distinct guardians of separate and distinct parts of the community? And yet, if I understood the honorable gentleman from Virginia (Mr. TYLER) correctly, he considers himself the Representative of his district alone; for when he spoke of submission to instructions, it was exclusively to the instructions

of the people of his district to which he alluded. To their *will* he would surrender all. [Mr. TYLER assented.] O, then, said Mr. G., I conjure the gentleman to proceed with the utmost caution. Do I yet understand him correctly? He would surrender his judgment, his conscience, his independence as a Representative on this floor, to the will and instruction of those who elected him. [Mr. TYLER still assented.] Sir, continued Mr. G., I would appeal to his judgment, his heart—to all his manly and moral feelings—against this pernicious theory. Surely he would demand, before he made the promised sacrifice, that the voice he was about to worship should be that of a clear majority. Upon any given measure—upon the very measure before the House—how can he ascertain that majority? Is there any method prescribed in the Constitution or the law? No; he must watch, and listen, and catch the voice of his district, as it floats on the breeze; or he must read it, if he can, in the popular shouts which issue from partial meetings and conventions of the people. Sir, I have seen much of these popular conventions; I have seen one orator mount the table, and, as he developed his political opinions and conduct, I have seen the hats, and the caps, and the shouts of approbation fill the very heavens. I have seen another succeed him; and, as he developed opinions and conduct exactly opposite, again I have seen the hats and the caps blacken the air, and the earth shake with thunders of applause. Has the honorable gentleman any political crucible into which he may cast these clamors, and separate the true from the false? And, then, has he any balance to show him which is preponderant? May he not mistake the importunate clack of a few ephemeral noisy insects of his district, for the voice of the real tenants of the soil?

Sir, let the honorable gentleman beware! The sacrifice he offers is not one of indifferent value; it is not, indeed, the *blood* of the victim, but may it not be the *soul* of the Representative?

Conscience! Judgment! Independence! These are offerings too sacred to be thrown away on false deities; and yet, in the nature of things, when he lays them on the altar, he can have no security that it is erected to the real *vox populi*—the true god of his idolatry. But suppose certainty be fully attainable; suppose every Representative instructed at all points, on every subject which comes before him, what a babel of legislation would this House present! Local prejudices, narrow feelings, headlong violence must enter this Hall; and here, uninformed by discussion, unmitigated by sober reflection, and, in their very nature, incapable of compromise, would be seen in disgraceful and endless collision.

Sir, against principles pregnant with such partial consequences, so repugnant to the spirit of our Constitution, and so subversive of all the benefits of a Representative system, I will forever enter my solemn protest; and I do it the more confidently, because I do it after the example of the first and wisest statesmen of England. In that nation the question is settled. The authority of the elder Pitt, of Burke, and of Fox, and other statesmen, who best understood and loved, as the friend of their liberties, the representative part of their government, has placed the stamp of absurdity on the doctrine of instruction; and, at this day, no man of high talent and integrity in the British Commons, however he may plunge into the current of opposition, does sanction that principle. But it seems the authority of Burke is of little value here, because he was a pensioner. What was the color of that great man's political existence?

Edmund Burke was a Whig of the old English school. He was in his youth an enthusiastic friend of liberty—even an intemperate advocate for the rights of the human race; in maturer years, he was the steady champion of the popular principles of his Government, which constitute and secure the liberties of the English nation; and in his old age he rose with all the ardor of his youth, and all the vigor of his maturity, to rescue the civilized world from that monster of popular despotism which rose in France, was nurtured on human blood, and aspired to demolish every wise, and free, and just, and merciful, and holy institution on the earth. And when, at last, worn out in the service of mankind, he retired to the bed of sorrow and despair, then, and not till then, his grateful country imparted to him a pittance, hardly sufficient to render comfortable the last stage of his journey to the grave. The judgment of the civilized world has been solemnly pronounced. The fame of the orator, statesman, patriot, is embalmed in the gratitude of the four quarters of the globe. His voice was heard in favor of the justice of our cause, when we struggled against British oppression. He devoted years of his life to avenge the wrongs and desolation of India. The untutored African was learned to bless the name of his benefactor; and Europe must ever acknowledge that he first read the handwriting on the wall of revolutionary France, and made known the interpretation thereof. Nor can any friend of virtue, religion, or civil liberty, deny that, in the last great act of his life, when he raised the veil from the anarchy, atheism, and ambitious despotism of the French Revolution, he was, at the least, as genuine a champion of civil liberty and human happiness as at any period of his existence. Such was the man who preached and practised the doctrine I am feebly supporting. He preached and practised it at a time, too, when he was glowing in the full vigor of his wonderful faculties—when, in the British Commons, he was engaged in our cause, and with a vigorous arm was daily beating down the weapons which Bute, and North, and Hillsborough, were aiming at our existence. What authority, merely human, can be stronger?

But an honorable gentleman from Massachusetts (Mr. CONNER) has told us, that the principle I advocate is an English principle; and he has cautioned us not to borrow principles from England. Sir, I would borrow no political principle from England, or any other country, which was not stamped with wisdom, which the great test

of experience had not proved to be friendly to civil liberty. Would the honorable gentleman exclude from our code principles of such a character, because they were discovered in other countries or other ages? If he would, it is well for us that he did not live in the earlier times of our Republic. His zeal and activity might have borne him into power, and we might have lost some of the best and wisest principles of our free and happy system of government. Will the honorable gentleman peruse the bills of rights and constitutions of the States? He will there find principles borrowed from England, and scattered through them all. Nay, will he open, with me, the Constitution of this Republic? The trial by jury is of Saxon origin; here it is reserved to the people as their grand bulwark against oppression. The writ of *habeas corpus* is of English origin; here it is secured to the people as the grand palladium of their personal rights and liberties. The idea of an independent judiciary here perfected, had we not that from England?

Let me point the honorable gentleman to his own State. That wonderful fabric of human wisdom, the common law of Massachusetts, under the guardian influence of which he sleeps in the most perfect security—whence were its principles derived? Whence, but from England? Would the honorable gentleman exclude all these from our code, because they first blessed the country where the bones of our ancestors are buried? Such was not the spirit of our fathers. When they first raised their voices in remonstrance against the English ministry, and their arms in battle against the English nation, on what principles did they justify their conduct; on what grounds did they rest their great and sacred cause? Let the numerous appeals of the Old Congress to America, to England, and to the world furnish an answer. Let that immortal enumeration of our rights and our wrongs—the Declaration of Independence—answer the question. Their birthright was civil and religious liberty, founded on the principles and maxims of the English law and constitution. These were grossly and perseveringly violated by the King, Ministry, and Parliament. To secure the enjoyment of their birthright they first took up arms, and they did not relinquish them until the object was more than accomplished.

The fathers of our Republic were educated in the Whig school of England. The great masters of that school were Locke, and Sidney, Russell, and Hampden, and a host of patriots who suffered persecution and martyrdom for their political faith. They had derived the spirit of patriotism from the ancient Republics; a spirit of independence from the examples and traditions of their Saxon ancestors, and infusing that spirit into the natural and practical principles of the common law, they established wise and beneficent maxims of civil government. It was in this school, in company with the elder Pitt, and Burke, and Fox, and their compatriots, that the artificers of our system learnt their maxims of political, civil, and religious liberty. They discarded from their system the lumber of the dark ages, and all the cumbrous trappings of a monarchy and a titled aristocracy. They founded a Republic. But into its very soul they infused that genuine spirit, and those essential principles of civil liberty, for which the illustrious whigs of England have in all ages offered up their lives.

Sir, permit me to add a few words upon what is called the "voice" of this whole people, and I have done.

We are told, that the voice of this whole nation has pronounced a condemnation of the law of the last session, and commanded its repeal.

Were this even so, were I sure it were so, still I would not obey them—I believe, in my best judgment, in my conscience, and before my God, I believe, that the law of last session was and is, in itself, just and Constitutional, and most favorable to the purity, the independence of this House, the durability of this Government, and the security of this people. To no human "voice" will I surrender opinions thus maturely and finally settled; on no human altar will I sacrifice my judgment, my reason, and my conscience.

Do I then disregard the "voice of the people"—the "will of the public?" O, no. In making up my mind upon almost every subject of legislation, that voice would have a powerful influence. I would always view it as a fact, a most important fact, entering into the argument and the reasoning, when I was about to decide on any public measure. On many questions it might, on some it certainly would be conclusive—not because it contains, in itself, any moral, political, or Constitutional authority to control my judgment or conduct, but because, from the nature of the question, it might constitute a fact or circumstance, so important as to prevail over every other.

To borrow an illustration of my idea from the honorable gentleman from South Carolina (Mr. CALHOUN.) The question of declaring or not declaring war, however just and necessary I might deem it, would be a question of this kind. I would no more declare even such a war against the general voice and will of the people, than I would declare it, with the nation destitute of arms, ammunition, and money—and precisely for the same reason, because the former is as essential to the success of a war, as the latter. It is a question solely of expediency, not of Constitutional obligation. But reverse the proposition: suppose the voice of the people distinctly in favor of declaring war, which I in my conscience believed would be unjust and ruinous to the country, should I vote for such a war? No, sir, if the voice of every man in the nation should thunder instructions in my ears, I would still say no—I would struggle for peace against the people themselves; and if I should fall in the struggle, the peace of a good conscience would afford me more real happiness than all the plaudits of the people could bestow on him, who might rise on my ruin. Sir, I would not be misunderstood. I am not one of those, if any such there be, who hold the political heresy, that the people are their own worst enemies. I believe the people of this

Republic to be lovers of honesty, friends of civil order, and as well enlightened in their interests, as any people on earth—and I know equally well, that they always decide honestly, and when reflection, discussion, and knowledge precede decision, in general correctly.

But I should have read history in vain, I should have lived the last ten years of my life worse than in vain, if I did not know how easy it sometimes is, to rouse the popular prejudice and clamor against any measure, and particularly one of the character of the law of last session. Are gentlemen perfectly sure that this universal uproar, from Maine to St. Mary's, which even yet seems to be ringing in their ears, is not the mere clamor of prejudice, of ignorance, of deception? The gentleman from Pennsylvania (Mr. Ross) has addressed to them a solemn warning. May not this vituperated measure, when the excitement of the hour shall have passed away, become a favorite of the people? Gentlemen may read striking examples of this kind, even in their own political history.

Who has forgotten the horrible anathemas which rolled through the country against the British Treaty of 1795—yet, has not popular applause awaited the negotiators of that which we now have, every way inferior as it is? How long is it, since instructions poured in from all quarters against a National Bank? How long since the people were excited even to frenzy for its destruction? And yet it has now become the very darling of the people; the sheet-anchor of the Treasury. How long is it since the Navy was a voracious beast, ready to swallow the Treasury at a breakfast, to the great terror of every exclusive patriot of the nation? Now, who so bold to hint one word of disapprobation! I might mention many other measures. Restrictions, gunboats, embargoes, all received at their first appearance with the loudest applause, and in short periods, accompanied in their exits by an universal concert of hisses and execrations. The people must think and decide twice, and the second is generally that of calm reflection and judicious decision.

The clamor that has been heard against the law of last session has not one attribute of the calm enlightened voice of the people. Had I time to traverse each State, and exhibit the rise, progress, and issue of the clamor in each, I think this fact would not be doubted. But this I must forego. Yet I will state two facts, already attested by several gentlemen in the debate, which do strongly corroborate my opinion. The supposed indignation of the people was not at all confined to the authors of the law. The clamor was indiscriminate. Those who opposed the law, and only because they received the pay—the pay to which they were legally and justly entitled, and to refuse which, I should have deemed the grossest affectation of delicacy—had their full share of execration. And numbers fell victims to this unjust and indiscriminate rage.

Again, many gentlemen have declared that it was not the increase of compensation, but the change in the form, which gave umbrage to the districts from which they come—that the most of the clamor we have heard, was not against the amount, but the form of the compensation.

Why, sir, if this be so, the spectacle is indeed ludicrous. The adage is reversed; the mouse has brought forth the mountain. In this view of the subject, well might my friend (Mr. Hulbert) exclaim of this people, "they resemble ocean into tempest wrought, to waft a feather, or to drown a fly."

Mr. Speaker, I repeat, the settled, calm, enlightened voice of the people has not been heard upon the law of last session.

Shall I be asked, whence then all this popular clamor, and indignation and execration? It has many sources and numerous causes; I will mention two of the most prominent: There are many gentlemen within these walls who have occupied their seats too long for those who are waiting without. When we came here, we all must have left behind us numerous demagogues who were office expectants: they were impatiently waiting for some favorable occasion to buy your seats and to succeed to your places. Hitherto they had found no measure fitted to their use; upon all prominent measures, the two great parties had been divided and committed almost to a man; and to attack any member for his conduct upon any of these measures, was sure to enlist in his defence and support the party to which he belonged. The attempt was too desperate even for a finished demagogue. The law of last session was passed; it was above all others fitted to become an instrument in the hands of office hunters to deceive the people—it was a measure ostensibly personal to the Representative, in which his interest seemed alone to be connected. "It 'took money from the people; it put the money 'in the pocket of the Representative; it was of 'course a selfish, unjust, and corrupt measure." Involving no party sympathies, and apparently no national interests, how easy was it for artful men, pretended patriots, to impose this view of the subject upon a people, honest, unsuspicious of deception, but always peculiarly sensitive upon all measures of expenditure. In this view it was seized by the expectants of office; in this view it was widely and incessantly pressed upon the public; and to this narrow, unjust, and wicked view of the measure, palmed upon the people, do I ascribe much of the clamor that was heard against it.

But there was another and a more powerful cause. In several of the States, the elections were approaching. Though the rage of party spirit had in a good degree subsided in the General Government, it remained unmitigated in these States, and this law was seized upon with avidity for the purpose of influencing those elections. Truth compels me to confess, that the party to which I belong were the first to engage in what I must ever deem a disgraceful attempt to render the law odious to the people, and to cast the odium upon the friends of the Administration. The attack being thus commenced, the

adverse party not only repelled it, but attempted to carry the war into the territories of the assailants, and thus commenced a conflict, which in its progress would have been really ludicrous, were it not for the permanent injury it may have inflicted on this House and many of its most worthiest members. Almost every other instrument of party annoyance was thrown aside; all other sins of the Government and the Opposition forgotten and forgiven, and the unfortunate "compensation bill," as it was called, became the very foot ball of the parties. It was kicked by stump orators, bar-room slang-whangers, by editors of all parties, by candidates for all kinds of offices, and partisans of all colors and capacities, even gentlemen of science and liberal views did not disdain the sport—the very bull-dogs of both the parties, who in those times have generally pursued game of higher flavor, who have delighted to mangle honest sensibility, devour reputation, and hunt down talents and independence, seemed to forsake all their former propensities to pursue in full cry this scape-goat of all political offences. The justice, the expediency, the real merits of the law seemed totally out of the question. "It takes 'money from the people; that money goes to the 'Representative; it is private robbery and pub-'lic plunder." This was the short argument and modest conclusion of every party logician. And which party has perpetrated the offence? was the great question at issue. Crimination and recrimination, denunciation and retort, violence, abuse, and clamor filled the whole country. Mr. Speaker, I do in my conscience believe, that such are the two principal causes, and such the nature and character of the greatest part of that clamor, which has existed against the law of last session—and is it such a clamor, that an American Representative is required to surrender his judgment, his conscience, and independence? Is such the "voice" which is to wither the spirit of American freemen, and degrade the legislator into an automaton or a slave? Sir, I know not, and I care not, what other men may think or do, but for my single self, I would sooner be a dog, and bay the moon, than such a Representative.

The question on filling the blank with *ten* was taken, and decided in the negative—yeas 33, nays 134, as follows:

YEAS—Messrs. Alexander, Atherton, Calhoun, Chappell, Clayton, Clendennin, Creighton, Davenport, Forsyth, Griffin, Grosvenor, Henderson, Hopkinson, Irving of New York, Lovett, Marsh, Middleton, Mills, Milnor, Moore, Pickering, Powell, Schenck, Sheffey, Smith of Pennsylvania, Stuart, Tate, Thomas, Ward of New York, Wendover, Wilde, Thos. Wilson, and Wright.

NAYS—Messrs. Adams, Adgate, Archer, Avery, Baer, Baker, Barbour, Bassett, Bateman, Baylies, Bennett, Betts, Birdsall, Birdseye, Blount, Boss, Bradbury, Brooks, Brown, Bryan, Burwell, Cady, Caldwell, Cannon, Carr of Massachusetts, Champion, Cilley, Clark of New York, Clarke of North Carolina, Comstock, Condict, Conner, Crawford, Crocheron, Culpeper, Darlington, Desha, Dickens, Edwards, Findley, Fletcher, Forney, Gaston, Gold, Goldsborough, Goodwyn, Hahn, Hale, Hall, Hammond, Hardin, Harrison, Hawes, Heister, Hendricks, Herbert, Hooks, Huger, Hulbert, Hungerford, Ingham, Irwin of Pennsylvania, Jackson, Jewett, Johnson of Virginia, Johnson of Kentucky, Kent, Kerr of Virginia, Kilbourn, King, Langdon, Law, Lewis, Little, Love, Lowndes, Lumpkin, Lyle, Lyon, Wm. Maclay, Wm. P. Maclay, Mason, McCoy, McKee, McLean, Miller, Moffitt, Moseley, Jer. Nelson, Hugh Nelson, Thos. M. Nelson, Newton, Noyes, Ormsby, Parris, Peter, Piper, Pitkin, Pleasants, Randolph, Reed, Reynolds, Rice, Roane, Root, Ross, Ruggles, Savage, Sharp, Smith of Maryland, Smith of Virginia, Southard, Stearns, Strong, Sturges, Tallmadge, Taul, Taylor of New York, Taylor of South Carolina, Telfair, Townsend, Tyler, Vose, Wallace, Ward of Massachusetts, Ward of New Jersey, Wheaton, Whiteside, Wilcox, Wilkin, Williams, Willoughby, Wm. Wilson, Woodward, and Yancey.

A motion was then made, by Mr. CULPEPER, to fill the first blank with the word "nine," and the question being taken thereon, without debate, it was determined in the negative—yeas 43, nays 123, as follows:

YEAS—Messrs. Alexander, Atherton, Calhoun, Chappell, Clayton, Clendennin, Creighton, Culpeper, Davenport, Forsyth, Griffin, Grosvenor, Henderson, Hopkinson, Irving of New York, Kerr of Virginia, Lowndes, Marsh, McKee, Middleton, Miller, Mills, Milnor, Moore, Newton, Pickering, Powell, Reynolds, Ruggles, Schenck, Sheffey, Smith of Pennsylvania, Stearns, Strong, Taggart, Tate, Thomas, Ward of Massachusetts, Ward of New York, Wendover, Wilde, Thomas Wilson, and Wright.

NAYS—Messrs. Adams, Adgate, Archer, Avery, Baer, Baker, Barbour, Bassett, Bateman, Baylies, Bennett, Betts, Birdsall, Birdseye, Blount, Boss, Bradbury, Brooks, Bryan, Burwell, Cady, Caldwell, Cannon, Carr of Massachusetts, Champion, Cilley, Clark of New York, Clarke of North Carolina, Comstock, Condict, Conner, Crawford, Crocheron, Darlington, Desha, Dickens, Edwards, Findley, Fletcher, Forney, Gaston, Gold, Goldsborough, Goodwyn, Hahn, Hale, Hall, Hammond, Hardin, Harrison, Hawes, Heister, Hendricks, Herbert, Hooks, Huger, Hulbert, Hungerford, Ingham, Irwin of Pennsylvania, Jackson, Jewett, Johnson of Virginia, Johnson of Kentucky, King, Langdon, Law, Lewis, Little, Love, Lovett, Lumpkin, Lyle, Lyon, William Maclay, William P. Maclay, Mason, McCoy, McLean, Moffitt, Moseley, Jeremiah Nelson, Hugh Nelson, Thomas M. Nelson, Noyes, Ormsby, Parris, Peter, Piper, Pitkin, Pleasants, Randolph, Reed, Rice, Roane, Root, Ross, Savage, Sharp, Smith of Maryland, Smith of Virginia, Southard, Stuart, Sturges, Tallmadge, Taul, Taylor of New York, Taylor of South Carolina, Telfair, Townsend, Tyler, Vose, Wallace, Ward of New Jersey, Wheaton, Whiteside, Wilcox, Wilkin, Williams, Willoughby, William Wilson, Woodward, and Yancey.

Mr. THOMAS WILSON then moved to fill the blanks, both as to the per diem and the allowance for every twenty miles' travelling, with "eight."

The debate was resumed on this question, and continued till near sunset, when the House adjourned.

MONDAY, January 20.

Mr. GASTON presented a memorial of the Legislature of the State of North Carolina, remon-

strating against the act of Congress, passed in the year 1806, entitled "An act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to vacant and unappropriated lands within the same," and setting forth the injustice practised upon persons holding grants of the said lands, issued by the State of North Carolina, and praying that the right of that State to perfect titles in the territory south and west of Elk River line, not only upon the entries and warrants originally laid there, but also upon those laid originally in what is now called East Tennessee, may be confirmed. And that a Board of Commissioners may be authorized and appointed, one by each of the States of North Carolina and Tennessee, and one by the United States, to adjudicate all warrants and entries of lands in question, and pronounce upon their validity, and that a preference may be given to entries and warrants issued by North Carolina over those issued by Tennessee; or that the said act of 1806 may be repealed, so far as the same conflicts with the rights of the State of North Carolina.

The memorial being read, Mr. Gaston moved that it be referred to a select committee, as, from the importance of the subject, it required the most deliberate and dispassionate consideration.

Mr. Cannon moved that the subject lie on the table, in order to give time for the arrival of material information on the subject, expected from the Executive of Tennessee.

After some discussion, in which Messrs. Gaston, Yancey, and Culpeper, opposed laying the report on the table, and Messrs. Cannon and Reynolds advocated that course, the memorial was referred to a select committee; and Messrs. Gaston, Cannon, Yancey, Thomas, Breckenridge, McKee, and Creighton, were appointed the committee.

On motion of Mr. Randolph, the petition of the President and Board of Managers of the American Society for colonizing the free people of color, was referred to the committee appointed on so much of the President's Message as relates to the African slave trade.

On motion of Mr. Yancey, the petition of the Society of Friends in the State of North Carolina was referred to the same committee.

Mr. Smith, of Maryland, from the Committee of Ways and Means, reported a bill making appropriations for the support of Government during the year 1817; which was read twice, and committed to a Committee of the Whole.

The resolution for the appointment of a joint committee to allot rooms to the Committees of each House, was read the third time, and passed; and Mr. Sharp and Mr. Yancey were appointed on the part of this House.

A message from the Senate informed the House that the Senate have passed the "joint resolution for the appointment of a joint committee to allot rooms to the Committees of each House," and have appointed a committee on their part.

Mr. Taylor, of New York, submitted the following resolution:

Resolved, That the Commissioner of Public Buildings be instructed to report to this House what causes have retarded the repairs of the south wing of the Capitol, and at what time its preparation for the reception of the House of Representatives may be reasonably anticipated.

The resolution was ordered to lie on the table.

Mr. Pleasants, from the Committee on Naval Affairs, reported a bill to amend an act, entitled "An act authorizing the payment of a sum of money to Joseph Stewart and others;" which was read twice, and ordered to be engrossed and read a third time to-morrow.

PETITION OF JAMES WARE.

Mr. Pleasants, from the same committee, also made a report on the petition of James Ware; which was read, and the resolution therein contained was concurred in by the House.—The report is as follows:

That the petitioner states that he was a seafaring man, and accustomed to get his living by that profession until the 10th day of January, 1815; that at that time he was employed by the United States naval storekeeper at New York, at the daily wages of one dollar and a half, in unloading heavy cannon from on board the sloop General Washington, and then loading them on teams, for the purpose of transportation to the Lakes; that while executing this duty, and on the day above mentioned, he was caught under a 32-pounder cannon, which fell on his leg by the breaking of a runner, and so injured it that he was compelled to have it amputated; that he is unable to pursue his calling of a seafaring man, and is destitute of the means of support, and prays to be placed on the list of navy pensioners, or to be provided for in some other way.

The committee, on due consideration of this subject, are of opinion that neither precedent nor principle would authorize the petitioner to be placed on the navy pension fund; that fund having been constituted in a particular way, for special purposes, within the purview of which the case of the petitioner does not come. On the question of providing for the case of the petitioner in some other mode, this committee are not as well qualified to judge as another committee of this body. From examination and reflection, however, they are of opinion that no provision, by way of pension or in any other mode, has been made by the United States for persons similarly situated with the petitioner. They therefore recommend to the House the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.

THE COMPENSATION LAW.

The House then proceeded to the consideration of the bill to repeal the act of last session, to change the mode of compensation to the members of Congress—the motion to fill the blank with "eight" dollars being still under consideration.

Mr. Woodward, of South Carolina, said it seemed to have become the fashion of the day to make this floor the theatre where experiences were to be exhibited. Although in general he was not very fashionable, he begged the liberty of becoming so for once until he should exhibit his experience. If I could believe, said Mr. W., the fifteen hundred dollars were more in value

than the six dollars per day was in 1789, when that Congress established the wages, I should really take conviction for having voted for it, but when I recollect that everything the staple commodity of our country has appreciated to a treble amount, and that money has depreciated in an equal degree, I am still satisfied I voted for the compensation last session, and am perfectly convinced it would take two thousand dollars to make the salary as good as the original six dollars in 1789. It will be recollected there was no money that we could take, (it is true there were some rags manufactured and stamped, which we called money,) but it was not money. I thought then if we had depreciated the money and took the value of the six dollars per day in '89, it would have done as well as to have passed the law we did.

I recollect, about the close of the Revolutionary war, the South Carolina Legislature made a scale of depreciation in which they allowed (I believe) fifty-two and a half continental dollars for one of silver. By reference to the records it will be seen that the ten last sessions upon an average at six dollars per day, amounts to one thousand one hundred and ten dollars. The excess added by this House last session is three hundred and ninety dollars, which is about one cent and a seventh per each constituent; say put down one thousand dollars and then add one cent for each constituent, there being thirty-five thousand, make three hundred and fifty dollars; take the seventh of three hundred and fifty dollars and it will make fifty dollars; add the whole together, and it makes fifteen hundred and ten dollars. I cannot believe the intelligent people of the United States can get the hydrophobia, neither in part nor in whole, for a cent and a seventh part of a cent.

Mr. Speaker, not anticipating that it was the intention of gentlemen to raise the travelling expenses, I voted for nine dollars, but have now voted against it, taking eight dollars for my minimum; to give eight dollars for travelling every twenty miles, and eight dollars for every day in session, will make, in amount, nearly the fifteen hundred dollars. If, therefore, that sum can be obtained, I will vote for the bill now before us; if it cannot be obtained, I will vote against the whole bill. The enlightened of my constituents, with whom I have conversed for the most part, say they are willing the sum should be ten dollars per day. Gentlemen say they believe the fifteen hundred dollars is nothing more than justice, but that the voice of the people must be obeyed. I respect the voice of the people, and would obey it in a certain degree, but deny the people have given any formal or Constitutional voice upon the subject. If those gentlemen (that say the people) would examine every individual, they would find a majority that would not be willing to give three dollars per day. I do verily believe there are but a few enlightened characters (compared to the great mass) that govern the rest; it is their voice I would accede to. Some time before I left home I was informed from a respectable source that a certain person in conversation did me the honor to mention my name as one who voted for the compensation, and said he would be willing to allow two dollars per day, and no more. I do not wish to excite levity, as a sincere solemnity becomes the selected wisdom of the United States, when acting on their important business; but will give you another fact: There were several persons together at a neighbor's house; the neighbor wishing to mark some of his hogs, examined the almanac to find when the dog days would expire, and, when he could not find them, swore that Congress had destroyed all the dog days, and that myself was the instigator; for which I should never come here again. Is this the voice of the people? Every possible step has been taken to ferment by unjust definitions and by positive fabrication, but I believe the vociferous cry of the enlightened is, change the mode. Gentlemen say the Congress of 1789 did not intend a compensation for services rendered, but for their expenses only. I beg the liberty of differing in opinion with them. Let it be remembered we had just passed through a heavy and disastrous war, when the last farthing was spent and the nation involved, with a heavy debt hanging over our heads. It will also be recollected that our houses were plundered, plantations burned, cattle hamstringed, and almost every vestige of property taken off, and from those patriots of the Revolution who bought our liberties at the price of blood and treasure, and for which they have never been paid, nor can they be paid. Money was then truly valuable, and six dollars per day was an ample compensation. The Congress of '89, from viewing the changes that had existed in other countries, knew that similar causes would exist here, at some period which would produce similar effects, therefore left it in the Constitution for every Congress to exercise their discretion, and according to circumstances award their own compensation. This, however, from delicacy, was neglected until necessity made it a duty. They, therefore, allowed themselves the nominal amount of fifteen hundred dollars, and changed the mode.

Mr. Speaker, I am not a lawyer, but have paid some attention to books and legal decisions; that, together with the Constitution which lies before me, induces me to believe this House is not competent, Constitutionally, to pass any law on the subject that could take effect until the next session. It will be recollected by this House that we are not a corporate body by voluntary obligation, or by articles of organization, subscribed to. If they were, they for themselves could pass any act they pleased, and give it effect when they pleased; but the law of last session, applying to the year and recognising individuals, does, in my humble opinion, vest an individual right in each member on this floor, commencing with the first Monday in December last, which right this House have not power to impair.

The compensation for last year was due the 4th of March past, and the vested right of each

individual becomes due the 4th of March next. Why not, then, dispense with the bill? If it does not carry at the eight dollars per day, and eight dollars for every twenty miles, I will vote against it, for I never will vote a sum to myself, and believe it just, that I would not give to my honorable successor; but it will be said they have wickedly inflamed the people for the purpose of riding into popularity at the expense of others. Be it so; it is yet better to feed five dogs than to perish one child. In this expression I have no allusion to any one on this floor. There are a number of valuable gentlemen on this floor that will come again, perhaps some may be elected on their pledges to their constituents to repeal the law of compensation to members of Congress who may not be worth fifteen shillings, they may in fact be fifteen hundred dollars worse than nothing, but still I should be glad the law now about to be repealed, should be left to the next Congress, that they might have the whole of the honor—they coming immediately from the people, as warm as a newly-cooked mess of pottage, when they might pass a law which would amalgamate with the wishes of the people. The people will cook them to their own mind. With respect to instructions, and obedience to instructers, I know and respect all my friends, and freely reciprocate with them at my own house or theirs, but in my official capacity I determine to know nothing but my duty—the duty assigned to me by the Constitution which I am sworn to preserve.

Mr. Pickens, of North Carolina, said, having been necessarily prevented from recording his vote on the questions for filling the blanks, he would express his opinion in a few words. The proper amount of compensation for members of this body is in itself a plain question, and should be determined by the same rule which regulates the wages of persons performing other services; by asking the question, how much would be considered a fair satisfaction for any other service requiring the same skill, integrity, and attention? Of what class (asked Mr. P.) were the duties of Representatives in Congress? They were such that if the best talents of the country were not always requisite, the best talents are certainly not too good to be employed in directing the national concerns.

And would the sum of fifteen hundred dollars per annum be extravagant as a compensation to any agent, either public or private, requiring the same skill, integrity, and attention, and subjected to the same expenses and sacrifices? No gentleman has pretended to say that six dollars per day was a sufficient compensation for the services of a member, though it might more than defray his expenses.

And all agree that fifteen hundred dollars a year is not too much. Being of this opinion, and knowing that the Constitution expressly gave Congress the power of providing by law for the compensation of its members, I took on myself the responsibility of voting for the law of last session. I am still of the same opinion I was then, and, while I am willing to change the mode into a daily sum, I am in favor of such a sum as will be about equivalent to the same compensation in amount. Believing that eight dollars per day would be very nearly such a sum, I shall vote for that amount, and, if present, would have voted for filling the blank with nine.

On this subject, more than any other, has the popular opinion been brought into view. And as it is usual to call into notice the sentiments of our constituents, I will be excused in mentioning the opinions of the people I have the honor to represent. In my opinion, they do not differ much from the opinions elsewhere expressed. But this I have the pleasure of saying, that my immediate constituents have exercised their opinions with so much temperance and decent consideration, that I feel bound to pay the highest respect to their wishes. So far as I have learnt their opinions on the law in question, they do not object to the increased amount of pay, but to the salary mode. In this respect, I think their ideas are correct. I would at last session have preferred a daily increase, but no such plan was presented, and no other prospect of an increase, but in the mode adopted. While I doubted whether that mode would suit as well, I considered it, what it has proved to be, *an experiment*, always capable of being repealed whenever its inutility was discovered; and therefore I deemed the mode of little importance.

Through respect to my own opinion, as well as that of my constituents, I am desirous of changing the pay to a per diem allowance; but, in doing this, I am unwilling to reduce the pay of those who will serve hereafter, materially lower than the present amount, but rather leave it for them to establish for themselves. The character of this body ought to be noticed with more concern than individual responsibility. Individuals may shape a course for themselves, which they deem consistent and justifiable, but this is not a matter noticed by foreigners, or in future times. Without remarking what persons voted on the respective sides, now and at the last session, the act will be viewed in the gross—one session adopting a measure, and the next shuffling back. Some gentlemen talk of a retrospective repeal of the law. If such course be at all proper, we ought not to stop with the first of this session, but reach back to the beginning of the law, as proposed by the gentleman from Virginia. The refunding, for a few weeks of this session, will show an obvious wish to save appearances. It will be more absurd still: it will be tantamount to an admission of immorality in the passage of the law, and in receiving the wages under it. For, having a property vested in the compensation, for which services have already been rendered, nothing can impair our title to it but a want of equity.

There appears some delicacy in one point—the object of the law being the benefit of those who passed it. This at first appeared objectionable to me. When, however, it is considered that this is the only body competent by the Constitution to make such provision, it cannot be improper when the amount is reasonable. Several of the

State Legislatures fix their own pay at each session. This is the case in North Carolina. The members there are paid in no other way, but by their own resolution at the same session. It is true, they rarely differ in the rate of pay, but it is the same in principle and in character with the law of the last session of Congress.

In the course of my experience, I have never given a vote more conscientious than that of last session in favor of this law. I thought it right, and the amount rather under than over the fair compensation. I thought it expedient for reasons explained fully by other gentlemen, and by the report of the committee on this subject; and, under these impressions, I met the responsibility of supporting it with my vote.

Mr. EDWARDS, of North Carolina, said, that so much had already been said upon this subject, he was aware he could offer no sufficient apology for occupying the time of the House, at this late period of the debate, with any remarks of his. He trusted, however, he should be indulged a few moments, while he briefly assigned the reasons and motives which would determine his vote.

I would not have risen now, said Mr. E., if it were not for a remark which fell from my worthy colleague (Mr. PICKENS) who just sat down. Sir, misrepresentation has been fashionable on this subject. Opinions and motives have been ascribed to gentlemen, which I most conscientiously believe were never felt or entertained. It is that *my* motives and *my* opinions may not rest upon conjecture—may not be mistaken—that I ask this short indulgence. The gentleman has said, that he has not heard the opinion that six dollars per day was sufficient for the support of members, advanced in this House. Sir, I voted for that sum; I deemed it sufficient. Does the gentleman believe, that, if I thought a higher sum necessary, I would shrink from my duty? that I would entertain one opinion and express another by my vote?

[Here Mr. PICKENS explained, that it was not sufficient compensation for *services*, as well as for *support*.]

I did not understand my friend so perfectly before. I thought his remark calculated to make improper impressions.

I was, Mr. Speaker, favorable to the bill reported by the Committee of the Whole, because I believed the pay proposed to be given by it amply sufficient for the genteel and comfortable maintenance of a member here alone. Beyond that sum, I am not prepared at this time to say we ought to go. It is this principle by which I shall be guided in my vote. It governed me at the last session; it remains unchanged. And I submit to gentlemen, if they increase the compensation so high as to make it a moneyed consideration to the low and grovelling mind—I know it could not be so to honorable minds—so high as to exceed the measure of expenses only; if they would not hold out a reward to exertion, stratagem, and intrigue, in your elections; to that course of conduct which the man of high and elevated feelings, worthy to be enrolled among your statesmen, would disdain to stoop to; and instead of putting better materials into this body, would have the opposite effect. I humbly conceive such would be the case.

But, we are told by the gentleman from South Carolina (Mr. CALHOUN) that this increased compensation would open the door to preferment, to honors, and to distinction, wide; that it would enable men of all ranks and grades in life to come here. Sir, this is a desirable object, and I should rejoice to see it attained; but if the compensation is to indemnify the losses and sacrifices occasioned by absence from professional or domestic pursuits, as well as compensation for services, I cannot believe that the pitiful sum of fifteen hundred dollars, or a per diem equal to it, would effect that object. Besides, we have no data by which to fix on an adequate compensation for that purpose. The sacrifices which some gentlemen make, are far greater than those of others. The highest pay would scarcely remunerate some. Taking, then, the principle I set out with, that the compensation should be fully sufficient for the comfortable and genteel support of members, and their reward the distinction and honor of their stations, I must vote against the proposition to fill the blank with eight dollars, and in favor of that of six, if it should again be made.

As to the question of the right of instruction, about which we have heard so much, I will not trespass upon the patience of the House with any remarks of mine. I leave that to be decided by those who have received instructions. When I shall receive any, I trust I shall not be wanting in that respect and consideration for them, to which the high and respectable source from which they come entitle them. I shall never be indifferent to the public will; to that I shall always hold myself accountable. My constituents, however, have not instructed me upon this subject. They are not to be agitated by every little gale—and my only wish is, that upon this, and every other occasion, my conduct may be such as to promote their interests, and the interests of my country.

Mr. CLAYTON, of Delaware, said, he asked the indulgence of the House for a short time, while he endeavored to explain his views of the subject. It was to be remarked that most of the gentlemen who had spoken, seemed to concede that the law of the last session did not grant too high a compensation to the members of Congress, but their opposition to it arose from a different source; that the people were against it; their voice had been heard, and must be obeyed. Before entering into this subject, before inquiring into the right of the constituent to instruct his Representative, and the obligatory force of such instruction, Mr. C. begged to know what evidence there was of such instructions. It was not pretended that any precise and written instructions had been given; it was implied. From what? The noise and clamor which had been excited from one end of the Union to the other? Is this such an expression of the public will as ought to be regarded by any wise or prudent

man? He hoped the time was not yet come when the follies and passions of the people were to be flattered in this House. The calm and deliberate opinions of the people ought always to be received with great respect and consideration. In all cases of doubtful policy, where the mind of the Representative was equally balanced, or in matters of minor importance, he admitted that those opinions ought to turn the scale. But in all great questions of national concern, and he believed this to be one of these questions, the Representative should not give up the clear convictions of his own conscience and judgment, and sacrifice them on the altar of popular opinion. A contrary doctrine so far debased the Representative below his true character, that he could not entertain it. But have not clamor and noise been mistaken for the voice of the people? A few designing, ambitious, and intriguing men have it so much in their power to produce an excitement which may be readily mistaken for public sentiment, that he must have better evidence than he had yet seen to induce him to believe that the majority of the people of this country were opposed to the law of last session. The clamor of the few may be mistaken for the voice of the many. He knew it from observation and recent experience. It was not necessary for him to say in that House, how this effect was to be produced. It was sufficient only to observe, that those in opposition to any measure are always more violent than those who assent to it; and that the busy activity of the former is perceived and felt, while the passiveness of the latter is unobserved. He did not, therefore, think that there had been that cool and dispassionate expression of the general disapprobation of this law, which ought to guide the most ambitious flatterer of the people; much more a man who entertained sentiments such as he did.

But, on this doctrine of instruction, which he had believed had been exploded by all thinking and enlightened men in this country, but which he now saw revived and most anxiously supported, he would wish to enter his dissent, and assign his reasons. It is said that the people are sovereign, and that all authority resides in them. This is not true in the extent that is laid down. The people did possess unqualified sovereign power; and all power emanates and is derived from them. But when they met in convention by their delegates, they consented to, and did part with, for their own benefit and security, certain portions of their authority. What they have not granted, they have reserved to themselves. Among the powers delegated is that of legislation. The Constitution, which is equally obligatory on the people as on Congress, until it is altered in the form prescribed by that instrument, declares that "all legislative powers therein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." Certain other portions of authority are granted to the President, who has the execution of all laws, and to the Judiciary the duty of expounding them. Among the powers granted to Congress is that of fixing their own compensation. What right, he would ask, have the people to interfere in this matter, and instruct their Representatives, where they have parted with all authority on the subject? But the honorable Speaker has taken a distinction, which has been adopted by an honorable gentleman from Virginia, (Mr. TYLER,) which both of them have totally failed to support. It is this, that although generally the people have on all subjects the right to instruct, and the Representative is bound to obey, yet that he would not be bound by instructions which would lead him to a violation of the Constitution; and the reasoning of the gentleman from Virginia—— [Here Mr. TYLER explained, and said, that the Representative would not be bound to violate the Constitution, because it was of higher authority than the instructions themselves, and the people in such case having no right to do the things themselves, could not instruct others to do it for them.] Mr. C. said he took the gentleman's explanation, and in making it, he had abandoned the whole argument, and every inch of ground on which he could maintain himself.

The Representative is not bound by instructions to violate the Constitution, because those who instruct him, having no power to do the act themselves, cannot instruct others to do it for them. He would ask, can the people make laws? Is not that one of the powers of which they have divested themselves by the Constitution, which they have confided to Congress? And while that Constitution remains unaltered, are they not equally bound by it with the Representative? Does not the gentleman's argument prove it? They cannot violate the Constitution, and therefore cannot make others do it. What then becomes of the distinction? Does it not prove the absurdity of the whole argument? If this right to instruct exists, it must be a perfect, absolute, and unconditional right; and if it exists in any case it exists in all cases. Were a majority of this nation here assembled, they could enact no one law. They have parted with that portion of their authority to Congress, and having no right to act of themselves (to use the gentleman's own words) they cannot instruct us to act for them; if they attempt it, their instructions are not obligatory. Sir, to what a degrading situation does this doctrine reduce the Representative! It makes him a mere machine. The wise intent of the framers of the Constitution is frustrated by it. They meant that the people of this country should elect the wisest and best men to enact their laws; men who could discern the public good, and discerning it would steadily pursue it, regardless of any temporary excitement which might be produced by mistaken notions of the subject. Of what avail is it that we are here assembled, and gravely deliberate upon and discuss subjects, if we are not to act according to our own judgments? It is a waste of time. Wisdom, talents, and integrity are useless. He would repeat, that he would always regard the wishes of his constituents with the highest re-

spect; but when he had once made up his mind on any question of great national policy, no consideration would induce him to surrender his conscience to their keeping. With the powers of judging in matters of legislation, under the Constitution, his constituents had surrendered to him all authority; and he would not so far betray the trust which they had reposed in him, as to give up the conscientious convictions of his own mind for those of any body of men however numerous. The people have an ample security in their own hands—the right of frequent elections. This is the only power which they have reserved, and they will use it when it suits them. Other arguments had been urged by other gentlemen illustrative of the opinion which he maintained, but which it would be needless and unbecoming in him to repeat.

Upon the policy of the law of the last session, he would say nothing. Everything had been said by others which was necessary on the subject. On all sides it seemed to be admitted that the compensation was not too high; but some thought it was necessary to repeal the law to appease the people. He thought differently. The people's reason would appease them; and he believed the time was not distant when this law, now represented as so odious, would become the favorite of the people.

Mr. TYLER said, that nothing but his respect for the talents of the gentleman from New York, (Mr. GROSVENOR,) could induce him to trouble the House with any further remarks on this subject. Nothing but the high estimation in which he held the gentleman from South Carolina, (Mr. CALHOUN,) could have prevailed on him to have said anything, at any time, on it. But he could not but have regarded himself as committing treason against the people, to have remained silent when one of their greatest rights was brought in question. He unexpectedly saw that the few remarks he had submitted had arrayed against him, he said, many aged and experienced members. Mr. T. acknowledged that he had to combat upon very unequal ground. Not to travel back to days of fiction, he said, for a comparison, he would take the liberty of saying that he was but a gunboat opposed to a seventy-four. Although he acknowledged his inferiority, he was not disposed to yield without at least exchanging one shot. Mr. T. said he reciprocated with pleasure the assurances he had received that morning, from the gentleman from New York, (Mr. GROSVENOR,) of his not having intended to utter anything of a personal nature. He said he did not come to that House to give offence to any man. It was not the way in which a great national question was to be settled. Mr. T. then proceeded to reply to some of the arguments offered by a gentleman from Delaware, (Mr. CLAYTON,) and denied that the people had surrendered all their rights by the adoption of the Federal Constitution. The gentleman from Delaware had asked if the people could now assemble and pass laws? Mr. T. acknowledged they could not without altering the Constitution, which he contended they had a right to do whenever the public good was defeated by a longer continuance thereof. If the Government was a simple democracy, the people would act for themselves. They had, however, preferred a representative democracy, and instead of assembling themselves, had deputed agents to act for them. Not only, said he, have they a right to control these agents, but he contended they had a right to strike from existence the very constitution under which these agents acted. He said that the gentleman from New York (Mr. GROSVENOR) had, with a triumphant air, held up the Constitution and demanded if the right of instruction was to be found there. Mr. T. inquired if, indeed, all his political ideas had been drawn from a wrong source? He supposed that, although a young man, he had become or was becoming old fashioned in his politics. He said that he had always understood that what powers were not expressly given by the Constitution, were retained. He would ask, then, where had the right to instruct been yielded up by the people? He inquired if the right of the States to elect a governor, &c., was reserved in that Constitution? Whether the Constitution secured to each citizen the right to pursue any avocation that best suited his fancy? Mr. T. denied that the gentleman (Mr. GROSVENOR) was a representative of Virginia, at least he was not a representative of his (Mr. T.'s) district. He begged to be permitted to represent his own district on this floor. Mr. T. said that, however much pleased his constituents might be to be represented by a gentleman of Mr. G.'s talents, yet that they would not like to be represented by a gentleman of Mr. G.'s political opinions. He protested that he had no idea of offending the sensibility of the gentleman from New York, but that he must be permitted to say that himself and that gentleman differed as widely upon this subject as the north from the south. What is the benefit of having representatives, Mr. T. inquired, from each of the States, from every district in the State? Why, sir, said he, that the voice of the people from every section may be represented on this floor, that the member may possess a fellow feeling for his constituents; that he may come charged with their wishes, and prepared to support those wishes.

He did not think the gentleman had represented his ideas fairly, when he proceeded to reason upon his supposed cases, of some twenty or thirty persons having assembled in each county of his district and voted instructions. Mr. T. said that he fortunately did not represent persons who were of the character described by the gentleman. He represented high-minded men, who could not be misled by demagogues. Mr. T. said he had distinctly reasoned upon the supposition that a majority of his constituents instructed him.

Mr. T. then proceeded to remark that, however willing he might be to receive advice from the honorable gentleman in regard to his private affairs, yet upon this subject he could not follow his advice. The gentleman from New York had cautioned the supporters of the right of instruc-

tion to beware, lest they should be found sacrificing to an idol. He would take the liberty of cautioning the gentleman against the same thing. Not a sacrifice, said he, offered on the altar of public good, but one of a more narrow and limited nature—self-pride. He had no hesitation, he said, in declaring his preference to the first idol, if idols we must have, rather than the last.

In what manner, according to gentlemen's ideas, said Mr. T., are the people to address this House—do gentlemen require that they should use the language of supplication; that they should crawl in the dust to this House, to beg and pray your high mightinesses to yield to their wishes? Is it come to this, he asked? Shall we, who are but their servants, hold out such language to them, I, for one, he said, enter my most solemn protest against it. No, sir, the people of this country are the sovereigns of this country. They will not agree to address you as slaves, but as the masters of the country. The gentleman from New York has acknowledged that with the people resides the sovereign power, and yet, in the next breath, he advances an argument which goes to show that their sovereignty consists alone in the miserable power of turning out their Representatives at the termination of their period of service. If this be all their power, they are no better than slaves, and the members of this House are their high-minded masters.

Mr. T. preferred, if authorities are to be borrowed from the other side of the water, to refer back to the days of purity in the English Parliament. To those days when English liberty was like the tree of the forest, and not to times when it had become a sickly plant that withered under the influence of Court corruption—to the times of the "Iron Barons," as Lord Chatham emphatically called them. Then, sir, it was the custom of Parliament to consult with the people before they voted on any measure. You find them, said he, leaving the Parliament and returning to their constituents to obtain their wishes. It was those times, he said, which had furnished the gentleman from New York the opportunity of passing the high encomiums upon England which he had so elegantly paid. Your common law is the offspring of those old feudal times. It is not the puny child of modern and corrupt times, but the strong, sound, and athletic offspring of the period to which he had alluded—a child of the forest. The gentleman from New York called upon him to produce the evidence that Algernon Sidney advocated the doctrine of the right of instruction. I understand him thereby as denying the existence of any such authority. Upon this point we are at issue, and here is my proof.

[Here Mr. T. read, from Burgh's "Political Disquisitions," a quotation from Algernon Sidney, to prove that he had not quoted him improperly—1 vol., page 190–1.] He then proceeded to inquire what would be the consequence of disobedience to instructions. A war between the Representatives and the people. No wise man, said Mr. T., will declare war without having some prospect of success. This would be a war in which the people would, from the very nature of things, necessarily prevail. Sir, said Mr. T., this right of instruction has been consecrated by the Revolution. What, he asked, produced that war? The mother country attempted to tax the people of this country without their consent. Their wishes were not represented in the British Parliament. They had no agency in the administration of their own affairs. The result is well known. Wise men ought to profit by experience. He cautioned gentlemen to beware how they questioned the rights of the people.*

Mr. CONNER, of Massachusetts, said, that the remarks which had fallen from the honorable gentleman from South Carolina, (Mr. CALHOUN,) made it necessary for him to add a few words in regard to the relation which he conceived a Representative bore to the people. If he understood the gentleman from South Carolina, he took the position, that the Constitution is the letter of instruction, and that all relation of a Representative to his constituents, at least as it regards authority, is at an end when he is elected, until his term expires. He said it was immaterial, whether the people had the absolute legal authority to annul an election, where the Representative went counter to their voice when distinctly expressed, or whether as to every purpose of expediency the Representative was bound to consult their views, and as to every practical result the people did retain and exercise such an authority. Scarcely on any subject would the people express an opinion so distinctly understood as not to be mistaken, without a deliberative assemblage; in this case they had done it, and will gentlemen undertake to say, that on a question of mere expediency, more especially as it regards the pay to the Representatives, that their voice is to be entirely disregarded? He regretted that the honorable gentleman did not reply to the case he put, as it respected war with a formidable Power. Do I understand the honorable gentleman that we are to come into this House personating justice blindfolded, and in all cases to take a view of political subjects, abstractedly from any bearing they may have on the will of the people? If a land-tax, an excise, an embargo, or war are proper, levy it, whether the people coincide in its propriety or not? This is a fine theory, but unfortunately experience is against it; unfortunately the practice of the honorable gentleman is against it. Did the honorable gentleman, when he gave his vote for war against Great Britain, assume this tone of inde-

* In a part of Mr. Grosvenor's remarks, as published in the National Intelligencer, he appears to have understood Mr. Tyler as yielding his assent to a proposition to which Mr. T. authorizes us to state he did not assent. Mr. G. represents Mr. T. as assenting to the proposition that he would surrender his conscience to his constituents. Not so. One of the reasons which would induce Mr. T. to resist instructions going to violate the Constitution, is, that he has taken an oath to support that instrument, and the manner in which he discharges his oath is a matter purely between his God and himself.—*Editors N. I.*

pendence, and say, this war has become necessary, and it is my duty to wage it, whether the people think so or not, whether the people will pay or not, whether the people will fight or not? No, sir, it was an essential inquiry with the gentleman, I believe it from his own declarations, to ascertain whether the people had arrived at such a tone of indignation, and state of impatience with the injuries under which they were writhing, that they would be willing to encounter the dangers and privations of such a severe conflict. Here the gentleman reasoned like a practical politician—yesterday—I beg his pardon—with great ingenuity, (and the gentleman never reasons otherwise,) but in this instance as the theorist. It seems that Mr. Burke commenced a patriot, but changed his politics, and became a pensioner. This, said Mr. C., is very much the case with English patriots, since the days of Hampden and Sidney. It was the case with John Wilkes. He did not not mean to compare Burke with Wilkes; for there was an infinite disproportion both between the talents and honesty of these two men. But he would ask whether it was not the common experience in England, for men of talents to enter the race course as oppositionists, as patriots? The stars of peerage light and animate them on the way, and, as the chariot wheels, grow more fervid the nearer they approach the throne. The gentleman inquires, said Mr. C., where are our letters of instruction. Where are they? I refer the honorable gentleman to the chairman of the Committee of Elections. He has a letter, stating that I was elected a Representative of the sixth eastern district of Massachusetts; which means, I presume, a person sent here to carry into effect, and not to contravene their interests and views.

Mr. CALHOUN rose to explain.—The member from Massachusetts must surely have misunderstood him in attributing to him the doctrine that the voice of the people is to be disregarded. He knew too well the principles of our Government, to entertain such an opinion. It had been asserted, that the instructions were obligatory, and that a member might infer instructions from the mere unpopularity of a measure. This he denied. He looked for his instructions to the Constitution. This was the true voice of the people; the other, that which the gentleman sets up, cannot be considered the genuine voice of the people. In fact, he considered an attempt to make it obligatory, as a species of usurpation on the Constitution. Those who go about to please the people this way, may possibly succeed to render themselves popular, but they will not always in making the people happy and great. But, he believed, in this instance, they will not succeed even in popularity. The people like to see consistency and firmness in their public servants; and, if they disapprove of their acts, they would rather change them than to see them act contrary to their own judgment. This is the true remedy for our errors, should we fall into them. There is another course, said he, where it is the misfortune of the Representative to differ from his constituents on great occasions, which I think is more manly than the one advocated; I mean for the member to resign. He did not recommend this course; but he would greatly prefer it to voting against the dictates of his conscience. The gentleman asks, said Mr. C., if I would vote for a war, against the voice of the people? I, in my turn, would ask the member from Massachusetts, if he would vote for a war which, in his sincere opinion, would destroy the country, merely because it happened to be popular? Without waiting for his answer, however, he would reply to the question which the gentleman had proposed. He could scarcely conceive the case that he would vote for a war of a dangerous character, without being certain of the people; but not on the ground of obeying instruction. The reason was plain. The hearty concurrence of the people in such a war, constitutes the principal force of the country. It is as essential as cannon and ball.

Mr. CONNER resumed the floor, and said: That, when he perceived the advantage which volubility and assurance have over mere argument, he sometimes regretted he did not possess those qualities; but, on the other hand, when he saw how slowly business was matured in that honorable body, and that the most urgent interests of the country suffered from the propensity to endless debate, indulged frequently on unimportant, nay, trivial subjects, he was thankful he did not possess them. He still persisted to say, that although the people may not hold the right of instruction according to the strict tenure of law, although our seats are not *ipso facto* vacated should we refuse to obey instructions, yet, as to every purpose of practical expediency, we do and ought to obey the popular voice, where that voice is distinctly and urgently expressed—some important cases excepted. Call it temporizing if you please; the nature of our Government compels us to temporize, in this sense of the term. If you wish for a Government that will not temporize, invest one man with the regalia of authority, the diadem and sceptre; give him the iron arm of power, strung with the sinews of war.

Sir, said Mr. C., you can adopt no permanent measure, where the voice of the people is loudly and decidedly against it. This law will be repealed. I want no better evidence of it than the report of the honorable committee to whom this subject was referred, which urges the strongest reasons in favor of the measure, and yet terminates with a proposition to repeal. The honorable gentleman from South Carolina says he would not declare an unpopular war, because power would be wanting. What power? The will of the people. What other power does the honorable gentleman want? Have we not the power over the purse and the sword? Cannot we levy taxes, raise loans, recruit men to any extent? But how is it with the embargo? There is no cannon and ball wanting to keep that on; it goes on and it comes off with a mere paper bullet—a proclamation. And yet I venture to say, that if as much excitement against that measure had prevailed throughout the country, as there

did in old Massachusetts, it would not have continued on three days, perhaps three hours, after such a disposition was known to prevail. Here, also, then the judgment of a majority of the Representatives would yield to that of the people. The honorable gentleman from South Carolina reverses the terms of the proposition, and asks me whether I would declare a war, which I should believe unjust, unnecessary, and ruinous, in compliance with the wishes of my constituents. I answer no. I would not, any more than I would violate the Constitution of my country. This is one of those cases, involving in it consequences so awful, and of such magnitude, that I should make a matter of conscience of it, and should resign my seat, which the honorable gentleman advises one to do in all cases, however unimportant, rather than to yield his judgment to that of his constituents, even in the very trifling one of our own compensation. Mr. C. said he could assure the honorable gentleman, that, whenever he wanted his advice on this subject, he would wait on him personally. Mr. C. said that he would by no means be understood to insinuate, that the honorable gentleman from South Carolina was the mere theorist; the nation knew him to be on all important subjects the practical politician; but on this he thought he chose to indulge himself in theoretical speculations. Sir, said Mr. C., no one respects more than myself the manly independence of the honorable gentleman, his extensive political knowledge, and his powers of eloquence. And as to the elegant comparison of the gentleman from New York, (Mr. GROSVENOR,) of the eagle with the turkey-buzzard, alluding to the gentleman from South Carolina and those who opposed his doctrine, I can assure that gentleman, that I am as willing to admit as himself, that the gentleman from South Carolina is the eagle; that he soars in an expanse above vulgar politicians, is certain; that *he* is not the bird that feeds on carrion is still more certain; nor, sir, is he the political gladiator that wields his dagger on all subjects, on all sides, just as caprice, interest, or the whim of the moment may dictate.

Mr. MCLEAN, of Kentucky, said he hoped he should be indulged by the House whilst he made but a very few observations on this subject. He entertained this hope the more readily (although he knew the patience of the House must be exhausted) from a consideration that although he had the honor (he might say misfortune) of having his name recorded with a majority of his colleagues, in favor of the law of the last session, increasing the pay of the members of Congress, he should stand almost alone on the question now before the House, to increase the per diem to eight dollars.

When the bill which passed into a law at the last session, was progressing through this House, I, said Mr. McL., felt but one objection to giving it my most hearty support, and that was the time it was to take effect. Although I was satisfied that the members of the present Congress were, in justice, as much entitled to the increased compensation as those who should succeed us, yet was I unwilling to give any vote which might subject me in any, the slightest degree to the imputation of having given it from selfish or impure motives. When the gentleman from Virginia (Mr. RANDOLPH) offered his amendment, fixing the commencement of the law to the 4th day of March next, I did hope my difficulties would be removed by the adoption of the proposed amendment; which amendment I most cheerfully voted for, but which was lost by a small majority. When this amendment was rejected, my difficulties again were renewed, which I mentioned to several of my colleagues and messmates. But I finally concluded that as, upon the soundest principles of justice, the members of the present Congress were as much entitled to receive the increased compensation as those who should succeed us, that the amount was small which I would receive for my two years service, and as I believed the measure proper, I reluctantly voted for the bill.

When I arrived within my district, I was much surprised to find the public mind agitated; and, to increase the excitement, two old broken-down members of Congress, who wished again to become popular—one of whom will succeed me, and represent my district in the next Congress, the other then a candidate for the Senate—threw themselves in the current, proclaimed the law unconstitutional, extravagant, and an alarming encroachment on the rights and liberties of the people; that they had served many years in Congress, and that six dollars per day was amply sufficient not only to support them whilst in Congress, but measurably to support their families in their absence, &c. These statements, from such authority, added fuel to the flame.

In addition to this, as has been justly observed by my colleague, almost every man who was a candidate for office, from that of a constable to a seat in the Legislature, denounced this law as wicked and corrupt; and I believe many honest well-meaning men were induced to believe that they were soon to pass under the iron yoke of tyranny.

Although I was not a candidate (for reasons which will readily be imagined by this House) I felt it my duty to justify my vote before my constituents. I endeavored to prove to them that the House of Representatives, who were elected directly by the people, and to them responsible for their votes, ought to be considered by them as the palladium of their rights. Hence the necessity of electing men of talents, morality, industry, and integrity, to represent them. That men of this description were more frequently found in the lower and middle walks of life (I mean as to property) than among the more wealthy part of the community; that these men, who might be styled self-made men, were generally more acquainted with the views, the wishes and desires of the great mass of the people, than those who had been dandled in the lap of fortune; that they ought to give such a compensation to their members, as would not only support them while in their service, but measurably to support their families in

their absence; that, unless they did so, they must calculate on being represented only by men of wealth, which I hoped would never be the case; that except they increased the pay of the members, no man of wealth could continue to represent them long in Congress; that although men of moderate circumstances might represent them a few years, yet about the time they had informed themselves of the rules of the House, the mode of doing business, and really qualified themselves to discharge their duty with credit to themselves and utility to their constituents and the nation, they would have to quit Congress "or provide not for their household, and be worse than infidels;" these, Mr. Speaker, are some of the reasons by which I endeavored to justify my vote before my constituents. These reasons I offered to them in favor of the law of last session in the sincerity of my soul, and I would in this concise manner offer them to the House as reasons for voting to increase the per diem from six to eight dollars. I feel however some little embarrassment on this subject. I fear if the present Congress increase the per diem to eight dollars, it will be more mortifying to my successor, and no doubt to many others who have mounted the compensation bill, and will ride it to this House, to receive more than six dollars per day, as he has stated to his constituents that six dollars per day was an ample compensation, and I am sure his good sense, morality, and religion, will prevent him from willingly receiving more than what he considers a *quid pro quo* for his services; yet when I reflect that, if the blank should be filled with eight dollars, no honorable member who thinks it too much for his services, is bound to receive it; that he can receive less than eight dollars per day; yes, the good old six dollars if he pleases—this difficulty vanishes.

Although I believe, sir, the members of the present Congress, generally, are not under obligations to those who succeed them, still I am willing to relieve my successor from acting on this subject; not being a member of the next Congress, I can vote for an increase of their wages without subjecting myself to the imputation of having voted from selfish motives. Indeed I am satisfied, from the course pursued by my successor previous to the last election, my constituents will be convinced that I can feel no inclination to vote money into his pocket. And that if I was influenced by feeling instead of duty, I would vote for six dollars, but believing that the path of reason and duty, not feeling, is the path to honor, I freely vote for eight dollars, and, if I err, the evil can scarcely be felt until it can be corrected by the next Congress.

I am sorry Mr. Speaker, that so much time has been spent on this bill, and that the subject of instructions has been so lengthily discussed. We are sent here to legislate and pass laws, not to discuss mere abstract principles—this question of instruction rests with the Representative and his constituents; it is to them I feel responsible for my vote, it is to them I feel responsible for the manner I discharge my representative duties, and not to this House. If the honorable member from New York (Mr. GROSVENOR) and others, who have opposed the right of the people to instruct, feel not under obligations to represent the views, wishes, and desires of their constituents, be it so. I for one hold, and I trust always shall hold a different doctrine whilst I remain a member of this Republic, and more particularly whilst I am a member of this body. It shall always be my pride to do the will of my constituents, when I know that will, and, when not known, to exercise my best judgment to promote their interest. I believe sir, that a large majority of my constituents are opposed to the principles of the law of the last session. I cheerfully vote for its repeal, and for an increase of the per diem, believing that the interest of the nation requires this measure, and believing also that my constituents will approve the vote.

Mr. REYNOLDS next addressed the House.

Mr. MILLS, of Massachusetts, said it was with no small degree of reluctance that he rose to address the Chair, after the amusement which the House had received, from the very facetious gentleman from Tennessee, (Mr. REYNOLDS,) who had just sat down. But, Mr. M. said, although he should not detain the House with what gentlemen had been pleased to call their experiences upon this subject, and although he was aware that he could not bring to the discussion the same ability which some honorable gentlemen had displayed, yet he would venture to say that in one respect, at least, he was as well qualified to investigate the question as any honorable gentleman who had preceded him in the debate. He was, he said, perfectly cool and dispassionate. He had no preconceived opinions to combat, nor prejudice to sacrifice. Circumstances had rendered it necessary for him to obtain leave of absence before the passage of the law, so much complained of, of the last session, by which he had involuntarily escaped both the odium and the praise which had, in different quarters of the Union, been so freely bestowed upon those who advocated or opposed it.

I do not approach this subject sir, said Mr. M., smarting under the chastisement of my constituents, for having passed the law, nor elated with the triumph of their applause for my patriotic but unavailing opposition to the measure. The presentment of a Grand Jury, which seems so fraught with terrors to my honorable colleague, (Mr. PARRIS) does not include me in its charge; nor am I embraced by the numerous toasts which have been drunk, and thank-offerings which have been rendered to the minority upon that question. Much less, do I come in *forma pauperis*, to propitiate the offended majesty of the people, by a sacrifice of opinions, deliberately formed, and honestly entertained, upon the altar of popular favor.

No, sir, I did not obtain the honor of a seat in this House by flattering the prejudices of my constituents; and I have too correct a knowledge of their character to believe, that it can, by such means, be retained.

From the remarks which have fallen from some gentlemen, one would think that it was indeed "contrary to the genius of our Government" to bestow any pecuniary compensation for the services of those who are intrusted with the great and important business of legislation—that the privations they endure, and the sacrifices they make, of ease and domestic comfort, as well as of fortune and business, are to be cheerfully borne, for the honor of serving the people, and for the good of the country. But, sir, upon what principle do gentlemen require that of members of Congress, which they do not expect from any other officer of your Government? Examine your Constitution. No distinction is there made between the Executive, Judicial, and Legislative departments, in this respect. The same instrument which provides that the President "shall receive for his services a compensation," and that the Judges "shall receive for their services a compensation," declares, also, that "the Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States."

By what rule of construction then, I again ask, do gentlemen contend, that precisely the same words, made use of in different parts of the same instrument, and in relation to the same subject, are to be tortured into a different meaning in different places? Sir, it is contrary to every sound principle of construction, heretofore applied to statutes, to constitutions, or any other instrument whatever—and we are therefore bound to believe that the framers of the Constitution under which we live, intended to give a precise and definite meaning to these expressions, and to place members of Congress in this respect on the same footing with the other officers of Government, by giving to each a reasonable compensation for services rendered. That this was the contemporaneous exposition put upon that instrument, appears from the act of 1789, fixing your compensation at six dollars per day; a sum which then bore a reasonable proportion to the salaries at the same time established for the Heads of Departments, and the other officers of Government. But, sir, how stood that proportion previous to the passage of the late law? Wholly destroyed. Open your statute book. Session after session, and year after year, you find additions made to their salaries, until many are double the amount of their first establishment. But, sir, to pass over the higher offices of Government, much less important to the rights of the people than a seat in this House, look at those of a humbler grade, and who have different duties to perform. Your Marshals, Commissioners of Boundaries, and Commissioners of Loans; your Collectors of Revenue, and the Governors of your distant Provinces, and their Secretaries; all these and many more, even the petty officers of your own House, receive a compensation vastly beyond what is now proposed for your own services. Nay, more—I call upon the gentlemen from Massachusetts (Messrs. KING, PARRIS, and CONNER) and upon the honorable gentleman from New York, (Mr. TAYLOR,) who are in favor of filling this blank with six dollars, to travel with me to their own States, and to their own districts. Sir, I will there show them their county officers, of almost every description, their Sheriffs, Clerks, and Judges of inferior tribunals, besides being in the midst of their friends, and prosecuting their other concerns, receiving from their constituents, without a murmur or complaint, much more than the trifling pittance for which these gentlemen are, out of regard to these same constituents, now contending. Even the members of the Legislature of the State of New York, a State whose policy upon this subject, at home, is exceedingly generous and liberal, receive five dollars a day for their attendance at the Assembly. I ask the honorable gentleman from New York (Mr. TAYLOR) to compare that with the compensation he receives here, to say nothing of the difference in the expense of living at the two places—in the one case he would be promoting and extending his private interest and professional pursuits, in the other, making a complete sacrifice of both.

But, sir, we are told of the honor of a seat in this House, and that this, to a generous mind, is a sufficient remuneration. Sir, I appreciate, as highly as any man, the honor belonging to this elevated and important station. As we are the immediate Representatives of the people, so we are the immediate guardians of their rights; and it is for that very reason that I wish to place the Representative beyond the reach of all those temptations by which he may be assailed, and to enable him to discharge the great duties of his trust, with independence, and a single eye to the public good. But, sir, is this the only post of honor in the nation? Is there no honor attached to the office of President, Heads of Departments, Judges of the Supreme Court, Ministers abroad, and various other places in the gift of the Government and the people? And yet whoever heard that assigned as a reason for diminishing their salaries?—No sir, the surest way to preserve the respectability of this House, and to make a seat here truly an honor, is to enable the people to call into their service, upon this floor, the talents and integrity of the country; to throw open your doors to men of moderate fortune, and of honorable ambition, who can here earn an honest fame, by devoting themselves to the service of the country, without entailing ruin upon their families. It is for this, and this only we contend; and believe me, sir, this course comports alike with the honor of the Government, and the permanent interests of the nation. That the compensation heretofore allowed to members of Congress is wholly inadequate to this effect, has been most satisfactorily proved by the calculations and arguments of my venerable colleague (Mr. PICKERING) and many other gentlemen who have preceded me in this debate.

But we are told by the honorable gentleman from North Carolina, (Mr. WILLIAMS,) who addressed the House on Saturday, that the situation of the country is such as will not justify any increase of the compensation; that we are embar-

rassed with a heavy debt, and that the people are already pressed down with the weight of taxes imposed upon them. Sir, permit me to ask that honorable gentleman what was the situation of the country in 1789, when the old compensation was established? Then indeed your people were impoverished, your country embarrassed, the debt of the Revolution was pressing you to the earth, your credit exhausted, and your revenue a mere drop in the bucket in comparison with its present amount. And yet the statesmen of that day, men distinguished for their correct views of economy, fixed upon a compensation, which was double in value, though of the same nominal amount, as that gentleman now contends.

No, sir, while you are distributing with a liberal, not to say profuse, hand, the money of the people, to almost every object of public utility or private distress, that gentleman cannot believe his constituents will be seriously oppressed by paying their proportion of the paltry sum which constitutes the difference between the old, and the proposed compensation. Sir, it is too trifling and insignificant an amount to occupy, as it has done, so much of the attention of this House, or the nation.

Mr. MILLS then proceeded to state, that although he was in favor of the increase of compensation, he thought it should be effected by adding to the daily allowance, and not by an annual stipend. This mode was, he said, more uniform and equal in its operation. Sessions of Congress are of unequal length in different years, and the same sum which in one year would be an ample, and perhaps extravagant, compensation, might in another, and especially if there should be an extra session, be wholly inadequate. The Senate, too, were sometimes convened by the President to transact Executive business, when the House do not assemble; that branch would then be placed on an unequal footing with this House. Fix upon a reasonable and fair allowance by the day, said Mr. M., and the great ground of clamor will be removed from the people. They will then know what they pay, and the demagogues of the day will not have it in their power to excite a suspicion that their Representatives had slighted the public business, for the sake of bringing the session to an early close. Indeed, Mr. M. said, he had scarcely heard any intelligent man out of the House question the propriety of increasing the compensation. Such men had confined their complaints to the mode of increase, and that the law was retrospective in its operation, so that those who raised the compensation participated in the benefits of its increase, as well for that part of the session which had elapsed, as for that which was to come. This last grievance, if it be one, it is now too late to remedy, but the other it is still in your power to correct. What, said Mr. M., was the great object gentlemen had in view in passing the law of the last session? It was to raise the compensation, and the mode of payment was a mere circumstance, not at all necessary to the attainment of the main object. Let me then ask gentlemen in favor of the law of last session, how they can withhold their aid from those who have the same object in view, but differ only in the mode of attaining it? Why persevere in an adherence to form, at the risk of the substance? Mr. M. said he was not endeavoring to persuade honorable gentlemen to a course which he himself would not adopt. He was ready to prove the sincerity of his profession by his vote; for believing as he did most conscientiously, that the compensation under the old law was inadequate, if all attempts to fill the blanks in this bill with a reasonable daily allowance shall fail, Mr. M. said, he should most certainly vote against the repeal of the law of the last session, and especially if it was connected with a repeal of all laws upon this subject. He deprecated the idea, that each Congress was to fix the compensation of its members. It was throwing the apple of discord into every succeeding Congress, at its outset, and it was holding up a seat in this House as a prize to the most noisy brawler of economy, a prize upon which every election would generally be struck off to the lowest bidder. By a conciliatory course, in regard as well to the precise sum as the mode, much future evil may now be avoided. The dignity of the House, as well as the great interests of the people, requires that something permanent should now be accomplished, and that the public mind should no longer be agitated by this disgusting subject.

In the course of this discussion, Mr. Speaker, said Mr. M., honorable gentlemen have thought proper to indulge themselves in speculations upon the nature and theory of our Government, upon the rights of the people, and the duties of their Representatives; and I have been not a little astonished and alarmed at some of the doctrines that have been advanced on this occasion. These doctrines, however, have been so ably combatted by the arguments of the honorable gentleman from South Carolina, (Mr. CALHOUN,) that I do not feel myself at liberty to occupy the time and attention of the House at any considerable length, with remarks upon a subject to which he has done such ample justice. But, sir, I must be permitted to notice some of the extraordinary positions taken by an honorable gentleman from North Carolina, (Mr. WILLIAMS,) who addressed you on Saturday, positions as dangerous as they are untenable, and as directly opposed to the nature of our representative Government as to the great principles of civil liberty.

That gentleman has told us that "in this country the people are the sovereign power; that they can do no wrong; that in regard to the compensation law, their voice has been heard in favor of its repeal, and this voice we are bound to obey." And is it, indeed, so, sir? Do we live under the unstable and fluctuating government of a wild and furious democracy, and are our great and essential rights and privileges, everything that can endear society, and render life valuable, held at the mercy of a capricious multitude? No, sir, this is not our situation. All power indeed is originally derived from the people, and is to be exercised for their good, by the several branches of the Government, in the way pointed out by

the Constitution; but, in the rightful exercise of the powers thus delegated by the people, the Government of the United States is as sovereign and independent as the Crown of Great Britain. True, the people of this country have retained in their hands, and the Constitution has guarantied to them the enjoyment of all the rights and privileges consistent with a well regulated society. But, sir, the great and essential attributes of sovereignty they have, by solemn compact, voluntarily surrendered to a government established by themselves; and so long as that compact exists, these attributes cannot be resumed.

The people have thus wisely provided for their own security and protection, by the creation of mounds and barriers against the inroads of usurpation and licentiousness. The constitutions, the laws, the institutions of your country, are the great safeguards of your liberty and the rights of the people.

But, says the gentleman, "the voice of the people is always right, and must be implicitly obeyed"—"*Vox populi, vox Dei*"—"the voice of the people is the voice of God," is a maxim which, by a perversion of its true meaning, has become more fallacious in principle, and more dangerous in its consequences, than any other which the frenzy of political madness can conceive. It has prostrated the wisdom of ages, and drenched the earth with the blood of its inhabitants. In one respect, indeed, does the "voice of the people" sometimes resemble the "voice of the Almighty," in the terror of its power," rather than the perfection of its wisdom. It is the voice which speaks in the thunder, the earthquake, the tornado. It carries ruin, and havoc, and desolation in its train. It sometimes subverts the deep foundations on which the great pillars of morality and order are erected, and introduces universal anarchy and confusion, the reign "of chaos and old night," in their stead. History is full of instruction upon this subject. "The voice of the people" banished Aristides from the councils of Athens, and drove Camillus from employment at Rome. "The voice of the people" has been made the apology for every outrage and every enormity. Look at modern Europe; see there its progress, written in blood. Revolutions, the most bloody, and massacres, the most cruel, have been sanctioned by the pretended "voice of the people," and the wisdom, and virtue, and talents of a nation have been buried beneath the ruins of the tempest which this voice has excited. Philosophers and demagogues, atheists and tyrants, each in their turn have summoned to their aid this powerful auxiliary to demoralize, degrade, and enslave mankind.

These enormities the gentleman from North Carolina would, I know, be the last to justify. But let him remember they were all committed under the sanction of this dangerous maxim. Is then this voice, which is more frequently made to echo the wishes of ambitious and unprincipled demagogues, than the cool and deliberate opinions of the people, always to be obeyed? Is the Representative to surrender the convictions of his own mind, the dictates of his conscience and his judgment, to the decisions of a tribunal so liable to misapprehension and error? No, sir; he has a high and exalted part to perform, and his duty to his God and his country, alike require him to listen to the "still small voice" of reason and conscience, and leave the event to Heaven. Not to desert his post in the hour of danger, but manfully to breast himself against the torrent to save the people from the consequences of their own errors, and to sacrifice, if necessary, his love of popularity to his love of justice. This, sir, was the course pursued by our political father, at a most interesting period of our history. When the French Revolution burst upon the astonished world, we all know it was hailed by the "voice of the people" in this country, as the dawning of a glorious day of freedom, and the harbinger of hope and joy to suffering nations. Every effort of reason, and every impulse of feeling, were enlisted in favor of those who, as we vainly believed, were contending for the rights which we so richly enjoyed. The enthusiasm spread with the rapidity of lightning, from one extremity of the continent to the other, and the Government and the people were openly called upon to make a common cause, with a nation contending in the cause of liberty, against the combined despots of Europe. What then was the conduct of WASHINGTON? Did he feel himself bound to obey the "voice of the people," thus audibly pronounced? No, sir; he looked to the permanent interest, and not the temporary wishes, of the people. To secure this object, he put at hazard the fame of a whole life devoted to the service of his country. He issued his proclamation of neutrality, and the stormy waves of popular commotion were dashed back upon themselves. Had he yielded to the clamor of the moment, or, as it was then called, the "voice of the people," we too should have been drawn into that vortex which, at one period, had well nigh engulphed and destroyed the liberties of the world.

At a subsequent period, too, sir, when the treaty negotiated by Mr. Jay, with the British Government, was before Congress, had the Representatives then surrendered their judgment to the misguided "voice of the people," the treaty would not have been carried into effect, and all the important benefits which, for a course of years, resulted from it would have been lost to the nation.

Upon this subject, Mr. Speaker, I beg not to be misunderstood or misrepresented. To the calm, deliberate, and dispassionate opinion of the people, coolly expressed, upon a subject fairly before them, with a full knowledge of all the facts necessary to enable them to come to a decision, I should most certainly, upon all occasions, pay the utmost deference and respect, and, unless opposed to my sober convictions and deliberate judgment, should sanction it by my vote. Do gentlemen believe that, in the case before us, the honest yeomanry of the interior have been in possession of all the facts and circumstances necessary to come to a correct result? That they understood the provisions of the law, the construction which had

been put upon it, and, above all, the reasons and facts upon which it was founded? But, sir, I am reminded by gentlemen of the proceedings of the Massachusetts Legislature upon this subject. Sir, I shall not upon this occasion, nor, I trust, upon any other, on this floor, speak of the proceedings of that Legislature in any other terms than those of respect; but I do exceedingly regret that this should have been considered a proper subject for State interference; and how far the remarks I have just made will apply to the members of that honorable body, I leave to their candor to decide. In the purity of their motives and the integrity of their intentions I have the most perfect confidence; but as their request to me upon this occasion is unaccompanied by the reasons which induced it, I must be permitted, after giving that request all the consideration to which, from its respectable origin, it is entitled, to follow the honest convictions of my own judgment. In coming to the decision which they formed upon this question, they undoubtedly sought information from the best sources within their reach; and when I am told that the only member of that Legislature whose recent services in Congress could enable him to give them any practical information had long been of opinion, and contended, as some honorable gentlemen do here, that indemnity for expenses incurred, and not compensation for services rendered, was all that should be attempted, that six dollars a day was amply sufficient for that purpose; and when I call to mind the well-merited influence which that highly respectable gentleman enjoys in that Legislature, I am by no means surprised at the result of their deliberations. But, sir, when I find another honorable member of that Legislature, who, as commissioner of boundary, is in the annual receipt of nearly five thousand dollars from your Treasury, for services which he has never yet performed, complaining of the extravagant compensation allowed to members of Congress, for all their services, privations, and sacrifices, I am at some loss to account for his patriotic efforts in this behalf. One fact, however, is worthy of remark: at the late Congressional election in Massachusetts, he was the candidate in opposition to my honorable colleague (Mr. KING) who voted in favor of the law of the last session, and he succeeded in his election. But, sir, I have protracted my remarks much beyond my intention when I rose. I beg pardon for the time I have occupied, and am grateful to the House and the Chair for the attention I have received.

Mr. WENDOVER, of New York, said, at the last session, when the act passed, which the bill now before the House proposed to repeal, he gave a silent vote; that vote he since had, and now did regret, not because he deemed the amount too great, but because he did not then, nor did he now, like the mode; and he did believe, had the members generally expressed their sentiments, the mode would not have obtained.

I had intended on this occasion, said Mr. W., as on the former, to give my vote without troubling the House with any remarks; but we have heard so much on the doctrine of instruction, and heard it stated in almost as many points of view as have been the attempts to define it, that it becomes us to know, if we are bound by instructions, what these instructions are. I did not hear the honorable gentleman from South Carolina (Mr. CALHOUN) on this subject; I regret that other public duties required a temporary absence.

Sir, I have no instructions; had I believed I was sent here to legislate by instructions, except by those I find in the Constitution and the principles of our Republican Government, and could I have adopted the doctrine of instruction as laid down by some gentlemen on this floor, I should have demanded of my constituents to remain in perpetual session, either in bulk or by proxy, and send me my instructions from day to day, as I might be called to act; and, also, instruct me how to vote, when I had, in other respects, acted under such instructions. But, sir, if my constituents believed I could maturely think one way and vote another, I am happy on my own account that they are mistaken, and sorry on their account they should wish for such a Representative; on such conditions I cannot serve them.

Sir, it is because we appear to think one way and act another, that I am opposed to this bill, if it assumes the character it got in the Committee of the Whole; and if so, it, nor its advocates, shall ever boast the aid of my vote or feeble efforts in procuring its passage into a law.

Sir, is this simply a question of dollars and cents between us and our constituents? It may be so in the estimation of some, but I hope no honorable gentleman on this floor is so sordid as to be influenced in his vote by what he shall receive here—but what is a reasonable stipend for the services of members of Congress—I will not call it a compensation; it is not a compensation, what you are about to reduce. No, sir, this is a question between the people and themselves; or, if you please, between them and their Representatives, not only in this Congress, but succeeding Congresses for years to come; and a question, in my humble apprehension, on which will depend the important result, whether you will compel the people to select for their Representatives nabobs for their opulence, or mendicants through their wants; or whether they shall have recourse to the mass of the population, and select those of the best talents in the nation to enact their laws. Gentlemen will pardon me—I wish not, Mr. Speaker, to be understood as including myself with those I have last mentioned. No, sir, the war which, under Providence, happily gave liberty to my country, unfortunately deprived me of opportunities which gentlemen around me have enjoyed.

The gentleman from Virginia (Mr. TYLER) has told us, in his theory of instruction, "that we are bound hand and foot." I had thought this was a Representative Government—I believe it is so. What is a Representative? One exhibiting the likeness of another; one exercising the vicarious or delegated power given by another. But if the

doctrine of the gentleman be correct, we have no delegated power; for, if such power existed with us, it must have been delegated for some valuable purpose, and ought to be exercised conformably to the best understanding and settled conviction of the Representative.

The gentleman from North Carolina (Mr. Williams) has said, "the people cannot be wrong in theory or practice." This position has been weighed by my honorable colleague, (Mr. Grosvenor,) and found wanting. I shall only add, in applying the doctrine, that if the act you are about to repeal be wrong in the estimation of the people, they have acted unwisely, and consequently wrong, in delegating their powers to us; for we have not only, in passing it, shown no likeness to the people, as we enacted it, but I fear we shall prove, in the sequel, that we are still more fallible, and can be, as well as do wrong. We may, however, have the consoling reflection, that we are not wrong in every point of view; for, with very little exception, all our theories expressed on this floor, on this subject, are, that six dollars per diem is quite too little, but yet we must not—we ought not—we dare not take more. But, sir, why are we not to receive more than six dollars per day? Why, because six dollars was fixed in 1789, when all admit it was equal to, if not more than twelve dollars now. This is an anomaly in legislation; it is to me altogether irreconcilable. It is a new light on the subject of legislation I cannot comprehend, and, if it be a true light, I hope we shall profit by its appearance.

But, say gentlemen, we must reduce the pay to six dollars per day, because we have instructions from our constituents. Now, if this be the fact, and we must obey, we may be compared to galley slaves, rowing one way but looking another; or perhaps we are more aptly to be compared to the French Council of Five Hundred, when Bonaparte returned from Egypt; like them we are legislating by the power of the people, but the throng without, in hostile array, demand a surrender—a situation in which I hope never to see an American Congress.

Sir, how stands the facts to which I have referred? We need not go to the private chambers of the honorable members of this House, to inquire their opinions as to the amount of the present compensation; they have been fully expressed in this debate.

The honorable gentleman from Kentucky, (Mr. Johnson,) who first brought up this subject, in a long, consistent, and argumentative speech, proved, incontestably, that the amount of pay was not too great, in any point of view; but, acting with candor and honor as he always acts, he was willing to give up his impressions, if wrong, and let the subject undergo a new investigation; that the power which created the law might retain, modify, or repeal it.

What are we taught by the able report of the select committee? How many members of this House have omitted to declare that the arguments of the committee are unanswerable? If I have heard of a few such, I pledge myself they are few indeed. What has been the theme on this floor? I need not state it, it is too well known; in opinion we differ little, in our votes we differ much.

Now, sir, what are the instructions received? They are not general, they are not definite, but they are various; yes, and in some respects, they are very loud; and I may add, as I shall by-and-by show, they are feeling too. Where did they originate? With an editor of a party paper, who had been a member of this House, and while here, as I am well informed, was very desirous Congress should receive a greater compensation, and who, in April last, after his great efforts to denounce the law as a party measure, and even before the election on which his resolutions were intended to operate, declared, he thought the law intended members to receive the $1,500, whether they attended all the session, or only a part of it! Next they were promulgated by another printer, who sought a new weapon, hoping, "by heaps upon heaps," to slay his political enemies; and who, with his editorial opinion and labors, denounced the compensation law, as allowing too much, while he acknowledged to his friends that, in his private opinion, it ought to have been not less than twenty-five hundred dollars.

One honorable gentleman had in his pocket legislative instructions to repeal the law; another is indicted by a grand jury for voting for it. I have no legislative instructions, and, if we are to be governed by these, it is but fair, as the Legislature of my State is now in session, I should be excused from voting for six dollars till I should hear from them; should I get such instructions, I will treat the instructers with respect; but their instructions, if they do not coincide with my views of propriety, shall pass for a thing of naught. If I am to be governed by the indictment of a grand jury, knowing our grand juries in New York have lately had more urgent business, I wish to defer a decision on the question pending, till they shall have time to attend to my case; and if they only charge me with voting for the act of last session, they need no witnesses — I shall plead guilty.

If we are to take local instructions as our guide, at least one of my honorable colleagues is placed in a still more awkward situation than myself, unless, as in the present proceedings of this House, he is to infer that the minority of the people speak the public voice. At a recent town meeting in his district, composed of I know not how many, perhaps ten or fifteen, possibly twenty-five, they resolved—

"That we decidedly disapprove of the conduct of the members of our State and National Legislatures, in the passage of the compensation and salary laws, and we consider all those who were engaged in aiding or advocating those measures, and who still persist in the same opinions, as unworthy of public confidence.

"*Resolved*, That our delegates to the county convention be instructed to use their endeavors to procure an expression of the sentiments of that meeting on the above subject."

Sir, these delegates were true to their trust; six at least attended the county meeting; they used

their endeavors, and the result was, to use the phraseology of the gentleman from Massachusetts, (Mr. HULBERT,) the six delegates voted unanimously for their resolution, and the residue of the meeting, fifty-four in number, voted unanimously against it. Must I retract what I have said? If I could subscribe to the doctrines of some gentlemen in this House, I should now say I have instructions; and should these patriotic delegates, disappointed in their own district, travel till they meet and confer with the grand jury who indicted my honorable friend on my left, (Mr. PARRIS,) I almost suspect he will have another count in his indictment; for, in addition to voting for the obnoxious law, they would find his opinion as to the amount still unchanged.

Sir, I had hoped the rights of conscience, and, consequently, the right of opinion, was settled in this country; and that in civil and political, as well as in matters of religion, conscience and opinion were left unshackled. If these are the instructions to govern our conduct, they are pointed and extensive. I know not if the President and Senate still hold the same opinions they did when they passed the law; if they do, and I know the members generally of this House do, (whatever be the fate of the bill on your table,) we are all levelled at a blow. I know not the opinions of the Heads of Departments, but, if their opinions coincide with ours, we may apply the old proverb—"misery likes company."

I know not these denouncing delegates—they may be very good men; but I am informed at least one of them had but just come over from the opposite political sect, and no marvel if he at least should perform some great work of supererogation, to prove himself an old patriot in a new cause.

But where, Mr. Speaker, shall we who have no instructions on this subject go to seek them? Will gentlemen who take theirs from their own districts tell us we must go abroad to seek ours? for they insist on it, we are instructed to repeal the law, and of course to settle down at six dollars per day. Shall we go to Indiana for our instructions? Oh yes, the first act of her patriotism, (I mean no dishonorable reflection, I respect the new States as much as the old,) but before she is admitted a member of the Union, she instructs her Senators and Representatives to repeal the compensation law. Sir, this is not the first time we have heard of an infant making a great noise, before it was introduced to the other members of the family to which it belonged.

But why should Indiana instruct us? Why, the honorable gentleman (Mr. HENDRICKS) informs us, there they have corn at about twenty or twenty-five cents per bushel. Yes, sir, we hear there is corn in a far country, and here and in New York we are nearly in want of it; but we cannot all go from our Canaan to Indiana to fetch corn; and, should we make the attempt, I fear the four hundred and fifty dollars, saved by the calculation of the honorable gentleman from Kentucky, (Mr. DESHA,) would fall short of enabling us to feed our wives, and our little ones, even on hominy, while we are here legislating for a generous and just, yes, and a magnanimous people; a people abundantly able, and, to their honor be it spoken, perfectly willing to allow their public agents, or servants if you please, a reasonable compensation for their services; and when they have the information on this subject, possessed by this House, will pronouce the present compensation quite little enough. Sir, I cannot consent to this mode of treating our families. If we cannot bring them here to live on the plentiful things of this *abounding* metropolis, let us take the hint of my honorable friend from South Carolina, formerly given on this subject, and "live on brown bread and cider," and thereby be enabled to carry with us home a little larger sum than four hundred and fifty dollars.

But, sir, I do not like the doctrine of the gentleman from Virginia, that we should legislate bound hand and foot. If his position be correct, we are indeed not only bound hand and foot, but head and neck too. I bow with reverence to the voice of the people; they are the rightful sovereign, and shall on all proper occasions be obeyed by me, while I have the honor to be their Representative; but when I am to pursue their opinion, I wish that opinion maturely and understandingly given. But I can conceive of many cases that might arise, in which I should not obey their instructions, however clearly expressed. I will only state one: suppose the Senate to pass a bill, and while pending in this House, new information should be obtained, from which it was evident, that its passage would subjugate your country; and the people, not possessing that information, should locally or generally instruct us to pass the bill; would the gentleman from Virginia vote for it? I hope not; at least my name should be recorded in the negative. Such cases might arise in relation to treaties or otherwise. Nay, sir, in cases less strong, I should dare to disobey the voice of my constituents, and that gentleman's too.

Sir, I believe with another gentleman from Virginia, (Mr. RANDOLPH,) that there are cases in which we might with propriety instruct our constituents; and I am not sure that, in this case they would be benefitted, for well I know they have no idea of the sacrifices that must be made by a very large proportion of those who come here to legislate. But gentlemen say we must come from pure patriotism; the venerable gentleman from Pennsylvania (Mr. FINDLEY) has put this subject in so clear a point of view, I should do injustice to say anything on it.

But, sir, many of my honorable colleagues say in their speeches, and by their votes, we ought to serve for six dollars per day. Why this sacrifice on the altar of patriotism? Who has required this at our hands? One of the gentlemen (Mr. TAYLOR) has told us, if I understood him, that a lawyer in the State of New York in moderate business, can make ten thousand dollars per annum by his profession—and that a county lawyer's clerk can earn for his employer twenty dollars per day, with writing by the folio; and yet

such lawyers, and others in business equally profitable, must have the self-denial to serve here for a sum not equal to one-third of the earnings of a county lawyer's clerk.

But, Mr. Speaker, we have had no instructions from New York to exercise this unparalleled self-denial; I know we have had an excitement in some districts, and from one of them we have all been denounced as "unworthy of public confidence;" and had the county meeting been as vociferous as the town delegates, we should have seen a sad commentary on the doctrine of the honorable gentleman from Virginia, (Mr. TYLER,) that "we are elected from districts, for the purpose only of collecting the views of the people." I protest against at least some of the views of these delegates, and wish never to see such views find a passport to this House.

But, sir, I would suggest to my honorable colleagues, as we have no precept from our State, directing us to reduce the compensation to six dollars per day, that we follow at least in part a good example, and tell our constituents we had no better data on which to give our votes, than their own acts. A number of my colleagues have been in the Legislature of that State; they know its concerns, and its public spirit. How do we find facts on that *alarming* subject of compensation? Why, sir, but a few years ago, the members of the Legislature received per day two dollars and fifty cents; now five dollars:

The Governor of the State receives per annum	$7,000
Chancellor - - - - - - - - -	4,500
Judges of the Supreme Court - - -	4,300
Comptroller - - - - - - - -	2,500
Secretary of State - - - - - -	2,000
Treasurer - - - - - - - - -	1,700
Surveyor General - - - - - -	2,000
And the Mayor of the city of New York -	7,500

I need add no more. Other officers in that State receive in proportion. I shall say little about the legal charges of lawyers. My colleague has thrown a light on this subject, which the statute book fully confirms. We generally have enough lawyers in the Legislature of that State; but I never heard them, in fixing their fees, propose to be governed by such disinterested patriotism. But members of Congress must come from that State, say some of my colleagues, and serve for six dollars per day, and that too from sheer patriotism. Yes, sir, abandon their business, and serve here for a pittance, and, after an absence of from four to seven months, return home to their families with four hundred and fifty dollars in their pockets, and tell their children: I am not wealthy; I had heretofore laid up for your benefit a little property; but a rich people have honored me with a seat in Congress, and told me to take from their funds enough to make me something like a reasonable compensation, not for sacrifices, but for services; but, being a patriot, I would take no more than four hundred and fifty dollars, after deducting from my pay the bare cost of my necessary diet, and unavoidable expenses, while at the Seat of Government;—and their children may respond: my father was once prosperous in business; he loved his home, and his family; but he was honored by his fellow-citizens to a seat in Congress; he loved his country, but through a mistaken zeal to prove his patriotism, he has blasted my hopes, and left me in poverty.

Sir, I ask the gentleman to look at this subject, and if they really believe we are in duty bound to place any in a situation that such sacrifices are inevitable, when the people are able and willing to bear at least a part of the losses? If the people think we, as individuals, do not deserve it, they have the staff in their own hands, and happy is their lot, they can be served by such as they may think fit for the purpose.

Sir, I am one of the fortunates, or unfortunates, returned for the fifteenth Congress. I feel myself honored by the voice of my fellow-citizens. I wish I was more deserving that honor, and better qualified for the duties of the station. But if we are to legislate as some gentlemen have contended, I crave not that honor. I cannot vote for a measure which to me does not appear to be dictated by sound policy, and promotive of public good; and, while I honor the candor, and appreciate the views of the gentlemen on the other side of the question, I will not forego the pleasure to reflect that I am delegated by a people too just and too magnanimous to withhold from their Representatives the pitiful addition to the pay fixed six-and-twenty years ago; which, divided among them, will not exceed one cent and three mills each per annum. Sir, I have voted for ten dollars, with a view to fix the mileage at six dollars. Sir, I voted for nine dollars, with the same view. I shall now vote for eight dollars, agreeably to the report of the select committee. For a less sum I will not vote this session.

Mr. TAUL, of Kentucky, observed, that, in rising to address the House, at the present protracted period of the discussion, some apology was probably due for the intrusion. That apology was to be found in the very extraordinary course which the debate had taken. He understood from the Chair, that the immediate question before the House was, on filling the first blank in the bill with eight dollars. Gentlemen, instead of confining themselves to the question under consideration, have gone at length into the discussion of the "right of the people to instruct their Representatives, and the duty of a Representative receiving such instructions," or whether it was the duty of a Representative, in voting upon this or any other question, to be governed by what he conceived to be the will of his constituents? Holding the affirmative of both those propositions, and finding them attacked with so much zeal and ability, he could not sit by and give a silent vote; although it had been his determination to do so, when this subject was first brought before the House. He should vote for repealing the law of the last session, provided the proposed substitute pleased him. He was free to confess that, in doing so, he was measurably influenced by what he conceived to be the settled

and determined will of his constituents. Repealing a law, or giving a vote different at one session from what he may have given at a preceding one, carried no terrors to his mind. Neither did the fear of incurring the imputations mentioned by a gentleman from Massachusetts, carry any terrors to his mind. He thought it no act of cowardice, either personal or political, to obey the will of those who sent him here. On the contrary, he conceived it to be his bounden duty to do so, particularly in relation to the subject under consideration. I do not purpose troubling the House with what has been aptly termed an "experience." We have heard a sufficiency of those disgusting relations.

Gentlemen from other States have informed you of the heat which prevailed, and the workings of the public mind in Kentucky. An honorable gentleman from Massachusetts (Mr. PARRIS) has had reference to it, not certainly with any other view than that of showing that the law of last session was not approved of by the people. Another honorable gentleman (Mr. REYNOLDS, of Tennessee,) has also given you a very particular account of it. And although Kentucky and Tennessee are in about the same political as well as geographical latitude, it would seem, according to that gentleman, that all the heat they had in that State was borrowed from Kentucky. As I have a great regard for the State which that gentleman represents in part, and the peace and happiness of its citizens, I regret exceedingly the mischief which was occasioned by the unfavorable season in Kentucky. It produced in Tennessee, it seems, considerable excitement, and threw the public mind into a high state of fermentation; and, what was worse than all, it detached the ladies, who, he tells us, influence the elections in Tennessee, from the interest of that gentleman. That honorable gentleman knows that I respect him highly, and he will therefore believe me when I say, that I most sincerely regret that unfortunate circumstance. I however hope that the honorable gentleman, by his zeal, activity, and useful services during the present session, will be enabled to reinstate himself in the good opinion of his former female friends; at least of some one of the fairest of them, that he may change his present condition while it is "to-day" with him.

Gentlemen, sir, have levelled all the artillery of their wit and eloquence against the proposition contended for. One honorable gentleman (Mr. GROSVENOR) particularly, has indulged himself in an asperity of remark and severity of sarcasm, for which he is most happily suited; he has made comparisons, which, if he intended to be personal, might be considered offensive. [Here Mr. GROSVENOR disclaimed having allusion to any particular members.] Mr. T. proceeded, and observed, that he supposed the gentleman's sense of propriety and regard for Parliamentary decorum would restrain him from any remarks of a personal nature calculated to wound the feelings of any member of the House. He would take the liberty, however, of observing, that comparisons are always odious. The arguments of gentlemen had come far short of convincing him that he was in an error, and he was certainly not to be ridiculed out of his opinions. The gentleman from New York had undertaken to give a most disgusting and ludicrous picture of the citizens meeting together to consult upon matters of a public nature. A demagogue mounted upon a stump, addressing them; one wire for a yea, another for a nay, a third for a yes, and a fourth for a no, &c.; hats and greasy caps flying; and then he comes out upon us with his eagle and buzzard. The gentleman, sir, has danced on the finely-wrought wires of his own rich and exuberant fancy this most incongruous group of figures through all the mazes of metaphorical confusion.

We are attempted (said Mr. T.) to be arrested at the threshold of this business by a call for our instructions. Do gentlemen suppose that written instructions are to come into this House, with all those evidences of authenticity which are required in courts of justice in relation to foreign records and instruments from a foreign country? No gentleman has pretended that written instructions are necessary. I have only to observe in relation to myself, it is perfectly immaterial to me how I ascertain the wishes of my constituents; this is a matter altogether between the Representative and the Electors. Public sentiment can be ascertained in various ways, among others that of personal intercourse with the people. There is another way in which it is ascertained, that is not always very pleasant to the Representative. If I am sensible of the fact, I shall not except to the evidence of it. The Representative alone is to be the judge of that evidence. While I claim for myself the right of giving my vote, by my own conceptions of duty, I am certainly willing to accord the same right to others. If gentlemen choose to disregard the public voice, or the wishes and feelings of their constituents, it is not for me to rise up in my place and say, Sir, why do you this thing? And I protest against the right of gentlemen to interfere between my constituents and myself.

The gentleman from New York, (Mr. GROSVENOR,) who addressed you on Saturday, held up to your view the Constitution of the United States, and, with a triumphant tone and manner, asked in what part of that instrument this right of the people to instruct their Representatives is to be found. Here, sir, at the outset, we are at issue. It is not to the scrip of parchment on which the Constitution was originally enrolled, that we are to look for the people's rights. Instead of looking to that instrument for the people's rights, it is there you must search for your powers. It is in that instrument the people have told you what they have given; and such powers as they have not there given, they have expressly retained. The people have not granted away all their powers, but have made a special grant for purposes particularly defined and enumerated. Previous to the adoption of the Constitution of the United States they were citizens of separate

sovereign, and independent States, in the constitutions of which their rights were particularly defined and perfectly understood. Indeed, whether as citizens of the several States, or of the United States, they are at liberty to do that which is not prohibited. If you wish the people not to exercise this right, call upon them to give it up. To illustrate my position: In Great Britain the sovereign power is acknowledged to be in the Prince, who has been pleased, from time to time, to give up parts of his absolute sovereignty in favor of his subjects. The rights of the people, to be found in what they call their Constitution, have been extorted from their source of sovereignty. Very different here; the people are acknowledged to be the source of all power. I can then confidently call upon gentlemen in the opposition to put their finger upon that clause of the Constitution where the people have given up this right.

Gentlemen have referred to Edmund Burke, of England, as a high authority in opposition to the principle contended for. Sir, to Mr. Burke I will oppose his constituents, who, because he disregarded their will, refused to re-elect him. I consider them full as good authority as Mr. Burke himself. Sir William Blackstone, in his Commentaries on the Laws of England, says the members of the British House of Commons are not bound (as in the United Provinces) to vote the will of their constituents; and what reason does he assign? "It would be contrary to the terms of the King's writ." As this is the only reason assigned, I presume it is the best Sir William could advance in support of his position; and what is it? The "*sovereign power* (the King) called upon them to meet in Parliament, and give him advice." The sovereign power in this country (the people) send them with their advice. He says, or at least admits, that a member of the legislative body in the United Provinces (the Government of which country, at the time he wrote, was very similar to ours) was bound to vote the will of his constituents. It is true he does not assign any particular reason. The reason, however, is obvious: they had a Republican Government; the people were the source of power and authority. If Edmund Burke and Sir William Blackstone are considered as high English authorities, in opposition to the principle for which I contend, other English authorities, equally respectable, and in point, might be cited in favor of it. My friend from Virginia (Mr. TYLER) referred you on Saturday to one which I consider infinitely superior to them both, and Lord Chatham to boot—I mean the immortal Algernon Sidney. The remarks of *Burgh*, in his "Political Disquisitions," are very forcible: "If 'the members of the House of Commons are not 'obliged to regard the instructions of their con-'stituents, the people of England choose a set of 'despots every seven years, and are as perfect 'slaves as the Turks, except the few months of 'a general election."

Might I not be permitted to say, with Burgh, "If the members of Congress are not bound to obey the will of their constituents, the people of the United States are perfect slaves, and are only free during the short period of the election?" Certainly our fathers did not intend this. But, sir, I wish not to appeal to English jurists, statesmen, or politicians, for an exposition of our Constitution. Thank God we are competent to that task ourselves. Those great men who lived when it was adopted, understood it best. What says the venerable Judge Tucker, of Virginia, in relation to the duty of a Representative in our Government? I regret exceedingly that I have not been able to lay my hands on his edition of Blackstone's Commentaries, where he examines and investigates this question with that ability which distinguishes him on all subjects on which he speaks or writes; and where he lays it down as the bounden and indispensable duty of the Representative to vote the will of his constituents. He does not stop to inquire about the right of the people to instruct. He doubtless supposed the right could not be questioned.

We have heard a great deal about demagogues, trimmers, time-servers, popularity hunters, &c. I am not ashamed of holding the same opinions which were held by that great man. He was no demagogue, no popularity hunter, other than that which he expected to reap from great and good actions. What he has written on this subject will not be considered the ravings of disappointed ambition, or the frantic howlings of a factious jacobin; but the grave, serious, solemn, deliberate opinion of an enlightened philosopher, a warm-hearted philanthropist, an eminent statesman and profound lawyer. His sentiments were delivered in the form of lectures to the students of William and Mary, in Virginia, in which institution he was professor of law. His object was to give to those, whose instruction was confided to his care, a correct knowledge of the Constitution and laws of the country. No purpose of party or of faction were to be answered by inculcating the doctrines alluded to.

I have contended, that this right and duty grows out of the very nature of the Government. I am bold to say, that it was so understood, at the time of the adoption of the several State constitutions, or why is it provided, in many of them, that the people have a right to assemble together, consult upon the common good, and "instruct the Representatives." Certainly the word "instruct" has a very different meaning from "request;" it implies the power of commanding obedience. The best expositors have it "to teach, to form by precept, to inform authoritatively."

Sir, in the constitutions of Massachusetts, North Carolina, and Vermont, and probably in several others, the right of the people to "instruct the Representatives" is expressly recognised. Certainly the framers of those instruments considered it to be the duty of a Representative to obey such instructions. Would a Representative of the people, in the Legislature of North Carolina, sworn to support the constitution, consider himself at liberty to depart from instructions? I would argue, that the character given in the different constitutions to the members of the Legis-

lative department of their Governments, is strongly in favor of my position. In some of them "trustees and servants." In others "trustees and agents." Gentlemen have emphatically asked, shall we be considered as mere "agents." Sir, our fathers were "high-minded" men, but they were not ashamed of the appellation of "agents." I am fearful we will become too much so, too "high-minded." I beg leave to refer the House, and particularly the honorable gentleman from New York, to the style of the laws in that State. The constitution of the State of New York provides, that the style of all laws shall be, "Be it enacted, by the *people* of the State of New York, in Senate and Assembly represented." The convention of that State certainly calculated, that the Senate and Assembly, in the enactment of laws, in the name of the people, would be governed by the voice of the people. I ask, if a majority of the Senate and Assembly might not as individuals entertain opinions diametrically opposite to nineteen-twentieths of the people? What a mockery of the people to enact laws in their name, for their oppression, or against which they are decidedly opposed. Yes, sir, full as great a mockery as that which was made of the name of the King in England by the Parliament previous to the commencement of the civil war, in the reign of Charles I. The Parliament assumed executive powers, issued orders to the army, militia, navy, &c., in the name of the King, directing them to obey the orders of the King signified by his Parliament. In the one case, the name of the monarch was used for the subversion of the monarchy—in the other, the name of the people would be used for the oppression of the people.

I have contended, that this right of the people, and duty of the Representative, grows out of the very nature of our Government; and that it was so understood at the time of the adoption of the Federal Constitution. Gentlemen are much in the habit of informing you of the "schools" in which they were educated. I acknowledge that I have drawn my political creed from the "Ancient Dominion." If I am in error on this subject, then were Madison, Henry, Wythe, Mason, Grayson, Pendleton, Tyler, and the list of worthies who composed the Virginia Convention, which adopted the Federal Constitution, wrong; for we are expressly informed by the history of their proceedings, that, although they differed about subordinate expedients, yet in relation to the fundamental principles of the Constitution, the sanctity of the will of the people, the interminable inviolability of the rights of man, there was but one sentiment, but one voice.

Not willing that the Constitution should go out of their hands, without expressing their opinion on the great and fundamental principles of Government, and the rights of the people, they attached to the Constitution "A bill of rights," in which, among other things, they have declared, "that the people have a right peaceably to assemble together, to consult for the common good, or to instruct their Representatives, and that every freeman has a right to petition the Legislature for a redress of grievances." Such were their views upon the subject. "The people have a right to instruct their Representatives." "A single individual citizen has a right to petition." If the members of the Virginia Convention merit the appellation of demagogues, then I am willing to be so called. An honorable gentleman from Virginia (Mr. RANDOLPH) some years since on this floor (I was not then a member, but I recollect reading his speech) observed, in reply to one or two gentlemen, who it seemed had obtruded their advice on him, that he should not take their advice—they were not fathers of the church—they were junior apprentices of the law.

I believe that gentleman will agree with me, that the characters to whom I have alluded, are, and were the fathers of the church; and that their political creed may be embraced in safety; they had passed the degree of entered apprentices, they were "master masons," engaged in building the temple of liberty; at the laying of the chief corner-stone of which, the guardian angel of America inscribed thereon in legible characters, the words, "The People." By the same hand was inscribed over the front door of the temple, the same words, "The People." It has long since been predicted, that if an evil spirit should arise, with power to blot out or obliterate those inscriptions, that fair fabric would fall prostrate to the ground. It has hitherto stood the storms of faction, and the united efforts of corruption and intrigue to sap and undermine it. It is based upon a rock, I trust, more solid and durable than adamant, the affections, the virtue, and intelligence of "the people"—its summit approximates to heaven. My fervent ejaculations are offered to a kind Providence, that it may continue to stand, in its pristine beauty and splendor, "till time shall be no more." We are asked, if it is the duty of a Representative to vote the will of his constituents, where is the power to enforce it—it has no sanction. To which I would answer, just the same power, the same sanction that gentlemen have who contend for the converse of the proposition. Where is the power to compel a member to attend to the faithful and honest discharge of his duties? It depends entirely upon himself in both cases. A member may say, he will vote according to the dictates of his judgment; yet how frequently does it happen, that they are exclusively under the influence of party feelings, of passion and prejudice. Though there is no mode to compel a member to vote the will of his constituents; though there is no sanction; I contend that the right of the people and the duty of the Representative is not thereby impaired. How many of our relative and social duties are without a sanction! the duty we owe as husbands, fathers, neighbors, &c., the most important of any in society; if we fail in the discharge of those duties, where is the legal power to compel us, or inflict punishment for the failure?

I had expected, Mr. Speaker, that those great questions had, by this time, been put to rest. That the Constitutional right of the people to instruct, and the duty of the Representative to obey, have

been so frequently recognised and established by the State authorities and by the people, that, at this day, it would not be doubted. I will venture to aver, that, if the archives of the different States were examined, it would be found every one of them had been in the habit of exercising this right, by instructing their Senators; and, in many of them, probably, the right of the people to instruct and the duty of the Representative to obey, expressly recognised, in addition to what is to be found in their constitutions. In the State, sir, which we have the honor of representing in part, I know it is a fact. If this was a question as to the power of the Congress, instead of the right of the people, those "repeated recognitions under varied circumstances," would be considered as having settled it. I beg leave to call the attention of gentlemen to the establishment of a Bank of the United States. It will be recollected that when the United States Bank was established, the then minority, with the present Chief Magistrate at their head, contended, that it was unconstitutional; the bank, however, was established, and went into operation. Previous to the expiration of the charter, a proposition was made to renew it; on the argument of that question, in support of the Constitutional power of Congress, it was contended, that the State Legislatures had impliedly, at least, acknowledged the constitutionality of the measure by providing for the punishment of persons guilty of counterfeiting its notes.

The President, in his objections to the bank bill, which passed both Houses at the last session of the thirteenth Congress, considered the question of the constitutionality as having been settled. He says—"waiving the question of the Constitutional authority of the Legislature to establish an incorporated bank, as being precluded in my judgment by repeated recognitions under varied circumstances of the validity of such an institution, in acts of the Legislative, Executive, and Judicial branches of the Government, accompanied by indications in different modes of a concurrence of the general will of the nation, &c." If we take to ourselves power by implication, (as in the establishment of the bank,) if we refer to legislative and other decisions as well as the concurrence of the general will of the nation, as precluding doubts in relation to it; surely in great questions, involving the rights of the people, the same decisions in their favor, the same concurrent will, ought to be regarded. I wish not to be misunderstood. I have not had reference to the practice of the State Legislatures in instructing their Senators, because I believed such instructions obligatory on the Representative, but for the purpose of showing the constant and uniform opinion of the State authorities; if we err, let us err on the side of the people. Mr. T. concluded, by observing, that he should not go into an examination of the merits of the law of the last session, the subject had long since been exhausted. I shall vote, as I stated at the outset, for its repeal, in doing which, I consider myself as acting in conformity to the wishes of my constituents.

Mr. Condict, of New Jersey, said, that having differed from his colleagues in his vote upon the compensation law of last session, and differing from them now as to the amount of daily pay of the members, he wished to submit a few remarks in explanation of the vote he should give.

I voted for the law of last session, said Mr. C., from a full conviction that, by the depreciation of money, and the increased expense of living in this place, the daily pay of six dollars had virtually become reduced to half its original value. I voted for it, however, very reluctantly, on account of the salary principle, as it was called. I felt also a delicacy in deciding upon our own compensation, and regretted the loss of an amendment offered by a gentleman from Virginia, (Mr. Randolph,) excluding the present Congress from the operation of the law. Convinced, however, that an increase of compensation was reasonable and just, to enable us to meet increased expenses, I voted for the bill, unpopular as I knew it would be. If the sum to be allowed by this bill be such as I deem a reasonable and fair one, I shall vote for it, and for the repeal of the former law.

The question now before us is, shall the daily pay of members remain as formerly, at six dollars, or be increased? Or, to state it more conformably to facts as they actually exist, the question will stand thus: Shall the daily pay, reduced by circumstances to half its original value, be restored to something near its former amount?

I will not trespass on the patience of the House, by repeating the arguments in favor of an increase. They are fully and ably stated in the report of the committee, and have been submitted to the press. Indeed, the necessity and propriety of an increase of wages had been so felt by every member of both Houses, long before the bill of last session was thought of, as to be the daily topic of conversation at the fireside, and in every circle. On this subject I never heard but one opinion expressed from any quarter of the House, and nothing but the state of the Treasury, and the calls for taxes, prevented the measure from being brought forward at an earlier day. The opposition to the bill last year, I always understood, was to the manner, more than to the amount. The honorable gentleman from South Carolina (Mr. Huger) is the only exception within my knowledge, and his ample fortune, as he candidly told us, rendered any compensation a matter of indifference to him. Much light has been shed, however, on this subject since the last session, especially at the elections, and many gentlemen who contented themselves with profound silence have since discovered many very weighty objections, even to an increase of the old six dollars.

The first and principal objection is, that it is unpopular. This is true to a certain extent, and would have been true to nearly the same extent if the original compensation had been two dollars; or, indeed, if the practice had been to have no compensation at all. Any increase of wages by any legislative body will be, to a certain extent, unpopular, and therefore the mere popularity hunter will say no to the measure, although

he may extend his charity so far as to look complacently on those who differ from him, and force a few dollars into his pocket. I admit that many honest citizens, from the best of motives, have disapproved an increase of pay. The man who labors for two dollars cannot see the propriety of paying to others six dollars; and it is useless to reason the case with him. The great mass of the people know nothing of the expenses which are unavoidable at the Seat of Government, and if you tell them of fourteen or sixteen dollars per week for room rent and board, they will say you must be very extravagant. They think nothing, or very lightly, of the derangement of private business, and losses at home, produced by an absence of six months. It is, therefore, not to be expected that, whilst the great proportion of the people look upon the subject in this manner, they will applaud an increase of the daily pay. And when we consider how many factious and intriguing demagogues are found, anxious to destroy the reputation of others, that they may build their own upon the ruins, laboring by misrepresentations and false statements to effect their dirty purposes, and withdraw public confidence when it has been bestowed, it is no wonder that there has been much clamor excited against the law of last session. But gentlemen have fallen into an error in supposing that all the clamor connected with the compensation law, so called, is proof of its unpopularity. Let us for a moment examine it. This clamor, if it be considered as proof that the law is unpopular, should have been directed exclusively against the friends of the law. Look at your elections. They will teach you, that those who voted against it have fared no better than those who voted for it. The people have said in vulgar language, "the receiver is as bad as the thief." In many places public censure has been most pointed against those who voted negatively, and received the money. As far as the result of the election is known, I believe more members are returned to the next Congress who were in favor of the law, than of those who were against it. The original mover, (Mr. JOHNSON,) his colleague, (the SPEAKER,) and a member from South Carolina, (Mr. CALHOUN,) the leading and able advocates of the bill, are all of them re-elected to the next Congress. Many of the New England members who voted for it, as well as from New York, Pennsylvania, and elsewhere, are also returned. The honorable gentleman from South Carolina, (Mr. HUGER,) who so signally distinguished himself as the champion of opposition, remains at home. All the Georgia delegation, though voting against it also, are left out of the next Congress, except one gentleman, and he decidedly in favor of increasing the wages. I admit the law is unpopular, and many have lost their seats because they voted for it. But much of the clamor has been artificially excited by designing men, and, to create the greater vacancy, it has been indiscriminately pointed at on all sides. It has been a two-edged sword, aimed at the throats of both friends and foes. In New Jersey it has been wielded with great dexterity, as a sort of triangular weapon. I have been dismissed for voting for the bill; one of my colleagues for voting against it, and another one for not voting at all on either side.

The tranquillity of the public mind at that season was highly favorable for the views of the demagogues of faction and noise. An universal calm pervaded every section. Party animosity had subsided. Political distinctions had nearly ceased. The Federal copartnership was dissolved. The Hartford Convention had dispersed. Bonaparte in St. Helena. No embargo. No war. Newspaper editors were in danger of starvation, and, for want of other prey, they pounced upon the compensation law, and, like Peter's brown loaf, it has served them for beef and mutton, custard, and plumb-pudding. It was a standing dish for months, and was served up in every possible shape, boiled and roasted, stewed and fricaseed. Devoured by the demagogues of faction, it has been reissued from their pestiferous jaws at the tippling houses and dram shops, highly seasoned with falsehood and misrepresentation. And this is called "public sentiment," and "public opinion." This is "instruction from our constituents," which the Representative is bound to obey. What a spectacle shall we exhibit to the world! Selected by the nation to discharge the high and important functions of legislators, we are looking to the crossroads and the alehouse for instructions, to guide our deliberations and to govern our votes. We are looking and waiting with eager anxiety to know what is popular, and how we shall best secure our re-election.

Far be it from me, however to disregard public opinion, when deliberately expressed and fairly understood. So far as it is the voice of reason and of justice it should be obeyed; and there is no danger that it will not at all times receive its full share of attention. But there is much danger that momentary excitement, from false colorings, may mislead public opinion, and give it a wrong direction. There is an important distinction between that opinion which follows a cool, dispassionate inquiry into public measures, and that noisy clamor which precedes inquiry, which stifles investigation. The one is the legitimate offspring of reason, the other a monster, begotten by fiends and furies, and nurtured by slander and falsehood. The hunters of popularity will have more prudence and foresight than to oppose its course. They will not breast the torrent; it is easier to float down with the scum.

I prize the approbation of my neighbors and friends, as highly as any man. Next to an approving conscience, it is the highest reward which the Representative can receive at the hands of his constituents; but I cannot consent to purchase it at the expense of my own convictions of right and wrong. My constituents delegated me to exercise my best judgment, fairly and honestly, on all questions of legislation which should be brought before me. I should forfeit their confidence, I should betray my trust, I should merit their execration, if, as their Representative, I could assent to any measure which, in my best judgment, is

prejudicial to their best interests. My judgment may err, but it is my duty to follow its dictates, aided by the best lights which I can obtain. The enlightened portion of the community will ultimately draw a proper distinction between the independent Representative who dares to think for himself, and who does his duty, and the mere temporizing politician, who prostitutes the dignified station of a Representative, to secure his popularity and his re-election.

My constituents have placed in my hands a book of instructions as the guide of my political conduct, and have exacted of me an oath to obey its directions. That book is the Constitution of our country, the fruit of the Revolutionary war, drawn up by our fathers with much labor, and sealed with their blood. With the gentleman from South Carolina, (Mr. CALHOUN,) to that book I look for my instructions, and I find them written so plainly, they cannot be mistaken. What are the great objects and duties therein pointed out? They are inscribed on its front—"to form a more perfect union—to establish justice—insure domestic tranquillity—provide for the common defence—promote the general welfare—and secure the blessings of liberty to ourselves and our posterity." Until these instructions shall be revoked, they will form the code of every independent, faithful statesman. He will cling to them steadfastly in the hour of frenzy and delusion. And that is the hour of danger for the Republic. That is the time which tests principles and tries firmness.

A second objection against an increase of compensation is, that the time is unfavorable—the taxes are heavy—the nation is in debt. These are certainly plausible objections—well calculated to catch and tickle the public ear. Let us see how much weight they possess.

Were any additional taxes imposed last year, in consequence of the compensation law? Were not the taxes diminished one-half their amount? And will they not be still more diminished at the present session? Will any one solitary item of taxation, direct or indirect, be less reduced by this proposed measure? Not one—nor does any one pretend to entertain such an idea. Neither will the payment of the public debt be postponed one month or one day.

As to the time, whether it be unfavorable or not, it was at least unwelcome. It was perhaps an evil hour. It was an hour which I would never have hurried on. For myself, individually, I would sooner have sacrified one-half of my scanty property, than have proposed the measure. It needed no prophet to predict the consequences. A slight knowledge of human nature, and of the character of a popular government, would foresee the arts and tricks which have been so dexterously played off, to mislead public opinion, and vilify public characters. Any increase of wages, no matter how trifling, to members of this body, will never fail to convulse the country for a time, so long as human nature retains its propensities. The greatest political calamity which an envious declaimer need wish to fall upon a statesman, is, to see him placed under the necessity of voting upon such a measure. No matter on which side of the question he votes, yea or nay, it is all one. If he vote aye, he is a greedy devourer of the public money, a public plunderer. If he vote nay, or if he shuns a vote, he is a time-server, a seeker of popularity, and unworthy of public confidence. If he receive the money, the partaker is as bad as the thief, and if he refuse it, he is courting popular applause, and seeking a future opportunity of plunging deeper into the public chest.

No sir; I would not have brought forward this proposition at this time. I would rather have borne "the ills we have, than flee to others that we know not of." Nor would the honorable mover (Mr. JOHNSON) have brought it forward from any other consideration, than a perfect conviction of the necessity and justice of the measure, after many years of experience and of pecuniary sacrifice in the public service. That same devotion to his country, which prompted him to face the savage, and to brave the battle's fury on the Thames, prompted him in this hall to lead the forlorn hope, to assume a responsibility, from which any other man would have shrunk.

But although I would not at the time have proposed the measure, neither could I avoid deciding upon it when presented before me, according to what I deemed the true interests of my country. Whatever may be the delicacy of the question—however it may subject me to popular odium, I shall endeavor to discharge my duty, and leave the event to the great disposer of all things.

The bill, purporting a repeal of the salary principle, and fixing a daily compensation, so far meets my approbation. Not being a member of the next Congress, I feel none of the embarrassment I formerly experienced, in voting on a question affecting my own compensation. If the blank be filled with such a sum as may enable gentlemen, in future, to defray expenses here, and furnish a reasonable support to their families in their absence; if, in short, the compensation be such, that a man in moderate circumstances, if elected, may hold a seat without entire ruin to his family—I will vote for the bill. Neither the times, nor the interests of the country, require such individual sacrifices. I know instances of a long life, faithfully devoted to public service, and with a careful economy here and at home, terminating in poverty, not in absolute want of bread, but of comparative poverty. It is not enough that they have surrendered their domestic comforts and enjoyments, undergone the pains and privations of sickness from home; the unavoidable demands every year upon their private means for support have reduced them to scanty allowance. I hope for better times for those who are to succeed us. I shall vote for eight dollars, as a medium, calculated to meet the cases of a great majority of such as I wish to see occupying seats here. I mean, men in the middle walks of life. With prudent management, it will afford them a decent support, and no more. To the

wealthy it can be no object, and although it may possibly tempt the man who has no employment at home, or whose time is of no value to him, yet the good sense of the people will, in most instances, teach them, that such men are as great drones here as they are at home.

I consider it the duty of the present Congress to fix the daily pay, in such manner as may put the question to rest for years. Since it has been agitated, I wish the country may derive some benefit from the discussion, by settling it upon principles of reason and justice. Clamor has partly subsided, and malice has spent its rage—timid gentlemen may dismiss their fears. They will not expose their popularity to great hazard, by voting for eight dollars. The sober, reflecting part of the community, who think much though they talk but little, will most of them believe it a reasonable increase. They have witnessed for many years the same principle operating throughout every class of society. They have seen the necessaries of life constantly advancing in price, and every mechanic and artisan compelled to follow in the train. Reason will gradually correct the errors of the past day, and expose the false colorings of the slanderer. I trust, confidently, we shall unite to increase the compensation in future, so as to do justice to our successors, and to our country. I am confirmed in this hope, by the result of the vote of yesterday, on striking out *six*. Those gentlemen who had manifested, in Committee, so strong a partiality for six dollars, did not seem greatly disquieted by the decision to strike out that sum. They sustained the disappointment with becoming fortitude. And should they be compelled to take eight dollars for the sake of obeying the law, I trust they will extend their charitable forbearance to the majority, for obliging them to perform so disagreeable a duty, without any deduction from their popularity.

Mr. W. P. MACLAY, of Pennsylvania, said, as he had heretofore voted for filling the blank with six dollars, and should now vote to fill it with eight, he wished to assign his reasons for so doing, which he should do in as few words as possible. I shall vote, sir, said Mr. M., to fill the blank with eight dollars, because I begin to find that if the blank is not filled with that sum, the whole bill will be lost; the consequence of which may be that the law of the last session will remain unrepealed.

When we consider, sir, that the House have already rejected six dollars, ten dollars, and nine dollars, and that many members have avowed their determination to vote against the bill in toto, if the blank is not filled with eight dollars, I think there is every reason to conclude that we have arrived at a point from which we must take our choice either to fill the blank with eight dollars, or lose the whole bill.

Perhaps, sir, said Mr. M., I may be mistaken in the disposition of the House; but, from the best judgment I can form, it appears to me that the proper course to be pursued at this time, is to vote for filling the blank with eight dollars.

Mr. HOPKINSON observed, that whatever might be the result in which this discussion should end, he rejoiced the House had not obeyed the impulses of some of the members, and entered upon it on the first meeting of Congress; before indeed we were fairly seated in our places. It would have been so much like being driven to action by a panic; so much like legislating with the enemy at the gate; so much like capitulating to a mob, that it must have sunk the House very low in the estimation of that people we are so solicitous to please and propitiate. The character and dignity of the National Legislature required a very different sort of proceeding; and Mr. H. was happy that the appearance, at least, of calmness and deliberation had been afforded to whatever decision might ultimately prevail. On what is called the compensation law, Mr. H. did not mean to say a word; for as it seemed to be resolved, much against his judgment, to repeal the law of the last session, and the question now was a mere question of dollars and cents—a question whether a blank should be filled with 6, 7, or 8, dollars—it was so wholly indifferent to him how it was filled, that on such a subject he would not have asked the attention of the House for a moment. But a question of more value and importance had arisen, somewhat incidentally, in the debate. I mean, whether, in a representative republican Government, a Representative in the National Council is bound to obey the instructions of his constituents on any proposed measure? This, in truth, has become the main question; for so many members have avowed that their own private judgment opposes the repeal of the law, and yet they will vote for the repeal, because they think the voice of their constituents demands it, and they believe themselves bound to obey that voice; that to convince them they are bound by no such obligation, and restore them the exercise of their own will and judgment, is to prevent the repeal of the law in question. Mr. H. said he would distinctly state the question before he offered his remarks upon it. It is this: whether, in a Government like ours, a Representative is bound absolutely to obey the instructions of those who elected him, on any proposed measure? Mr. H. had no idea of entering upon the broad and general ground which this inquiry opens; not only on account of the lateness of the hour, but also because it was familiar to every man who had given any attention to political disquisitions. Mr. H.'s intention was to reply to some of the arguments advanced in the course of this debate; particularly by an honorable gentleman from Virginia. But his main object was to show, and he thought it might be unanswerably demonstrated, that in principle and in practice, there is no difference, not the least, on this subject, between those gentlemen who profess such profound reverence to, such implicit obedience for the people, and their voice, however uttered, and those gentlemen who claim the right of thinking, and judging, and acting for themselves, although they may not always, in so doing, chime in harmony with the popular tone. I wish, then, that these gentle-

men may go fairly together before the people, with no claims of superiority, in this respect, on either side. I will not say or imagine that the honorable gentlemen who so stoutly maintain the popular ground, mean to deceive the people by professions which seem to offer up everything to the will of the people; to submit themselves, in the language of one gentleman, bound hand and foot, to the disposal of their constituents; while the limitations they put to their obedience, destroy all its efficacy. No, sir, these gentlemen deceive themselves; and, in an effort to maintain an untenable position, overthrow themselves.

The question is, have the constituents of a Representative a right to bind him by their instructions? Now, sir, the very nature of a right, if it be a perfect right, and such must be the right of a sovereign, whether that sovereign be the people or an individual, the very nature of such a right, is, that it is absolute, uncontrollable, and morally irresistible. If the person on whom this right is to be exercised, has a paramount right to judge, in any case, whether he will be bound by it or not, it is no longer a right. It is utterly absurd and incongruous to say I have a right to command a person who may lawfully choose, in any case, whether he will obey me or not. A right of this sort must be everything or nothing; it must govern and be obeyed by its own fiat, or it is not absolute. If it submits itself to the discretion of the person commanded to decide in what cases it shall be obeyed, it has no force of its own; it is powerless; it is nugatory. Now, sir, has any honorable gentleman agreed to submit himself, his judgment and conscience, to the will of the people, without limitation or exception?

One gentleman, not at all reserved in professions of obedience, has retained to himself the right of judging for himself, on all Constitutional questions; on all questions of great national consequence, where he thinks his opportunities of judging are better than those of the people; and in all cases where he might be required to commit some moral turpitude. Now, sir, a moment need not be spent to show that these exceptions utterly destroy the rule, and leave the conduct and judgment of the gentlemen as large as the wind; leave them just as they ought to be. The honorable gentleman from Virginia, who has gone beyond everybody else in asserting this right of the people, and supported it by the least argument—for as you raise the doctrine, you must leave the argument—still feels the necessity of reserving something for his own conscience, and putting some limitation to this overbearing power. He will obey the people in every case, except when they should command him to violate the Constitution, and he imagines he clears himself of all difficulty, when, with an air of triumph, he declares the reason of this exception to be, that, inasmuch as the people have no right to violate the Constitution themselves, they have no right to command him to do it. Let us look a little into this reason, and see what it amounts to. In the first place, I would ask the honorable gentleman why this absolute, sovereign, uncontrollable power, may not violate the Constitution, and also command him to do it? To use his own language, is not the creature, in this case, greater than the creator? May not the power that builds destroy, and take his hands, if it shall so will, to do the work of destruction? But the people have bound themselves, or agreed to be bound by the Constitution; and have further agreed, that it shall be changed only in a prescribed mode. And pray, sir, have they not also agreed in the same compact or Constitution, that laws shall be made and repealed in a certain prescribed mode; that is, by their Representatives, and not by themselves, and that if made in this manner they will obey them until they shall be repealed in the same manner? The principle then on which that gentleman would give an independent vote, on a Constitutional question, equally binds him to do so in the making or repealing of a law. But the honorable gentleman's difficulties do not end here. He will obey his constituents, implicitly, unless when they command him to violate the Constitution; he will submit his will and judgment to theirs in every other case. Who then is to judge whether the measure in question does or does not violate the Constitution? If he takes this to himself, he judges over the people; if he gives it to them, he surrenders his exception. I will not take the case of a plain, direct violation of the Constitution in terms—such as a proposition to lay a duty on exports—but take a questionable case. For instance, the Bank. The gentleman shall think the establishment of a National Bank a clear breach of the Constitution; his constituents think otherwise, and order him to vote for one. What will he do? Will he oppose his opinion on a Constitutional point to that of the people, any more than on the policy of a law, or any other question. I cannot break the Constitution, says the gentleman. We do not ask you to do it, say his constituents; and then he puts himself at a direct issue with them, and must either give up his judgment and conscience, on a Constitutional question, or resist the right of the people to direct and control his judgment. To such embarrassing dilemmas will doctrines always lead, which are unsound and untenable; which are for the ear, and not for the understanding. Where then is the difference between the gentlemen whose professions seem to differ so much? All agree, that the people may instruct, if you will give them the right of judging when they shall obey. The people shall be the king; but I will be viceroy over the king, is the amount of every opinion on this subject. Some gentlemen, it is true, prescribe to themselves very limited exceptions, while others throw the whole field open. But it is obvious, that the right to make any exception, at the will and discretion of the Representative, is the right to make every exception. Gentlemen have, therefore, rather been declaring in what cases they would, or would not, choose to obey the people, than asserting the right of the people to insist on their obedience in every case.

The honorable gentleman from Virginia has

insisted, with considerable vehemence, that the very name we bear imports an obligation to obey the will of the people. What is a Representative, but a person acting for another, and of course bound to act as his constituent shall direct? I confess I did not expect to hear, in a grave assembly like this, a principle deduced from a name; an immutable truth from an arbitrary term. On this reasoning, then, we are to understand, that a Senator, not being called a Representative, is not bound by instructions; at least, not by virtue of this argument. And yet I believe the right to instruct a Senator has been carried, or asserted, to a greater extent than in relation to members of this House. State Legislatures take upon them to instruct Senators, while they but request the Representatives to attend to them.

Again; the gentleman from Virginia demands, in the tone of a decided triumph, shall one man, shall a single individual, oppose himself to the will and power of thirty-five thousand? the issue of such a contest, says the gentleman, cannot be long doubtful. In the first place, I would remark, that the gentleman has fallen into an error in his calculation on this subject. The opposition, in this case, is not of one to thirty-five thousand. It is true, every member here represents that number of persons, composed of men, women and children; but as I have never understood the women and children are consulted, or give any opinion on these occasions, when instructions are given to members of Congress, they should not form a part of the gentleman's force or his argument. But, sir, it is really of no consequence whether it is thirty-five thousand, or thirty-five millions, or thirty-five individuals—the principle is the same. If it is understood that any gentleman on this floor opposes himself, personally, individually, by his own mere force and authority, to the will and power of either of the numbers named, he would indeed be guilty of all the absurdity and folly imputed to him; and such a contest would be neither doubtful nor long. But, sir, when I oppose myself to what is called the will of the people, I do it by virtue of the authority of the people, I oppose them with their own power; I stand against them on their own authority. To their will, or their passions, expressed at a tumultuous meeting, on a subject perhaps misrepresented or misunderstood, I oppose their paramount will, expressed in the Constitution, solemnly and deliberately declared and affirmed by the experience and practice of years. In that Constitution, I find that the people have declared, that Congress, and that I, as a part of that body, shall have the power to legislate for them, and not they for themselves; that I may, for them, borrow money, regulate commerce, &c. &c., and that they will be bound by my judgment on these subjects, and not I by theirs; that they will be bound by what I shall do in these respects, and not that I shall be bound by what they may wish; I mean, sir, absolutely and strictly bound, hand and foot, as the gentleman from Virginia has declared. Sir, I consider this doctrine to be absolutely destructive of the very principles and uses of republican representative Government, as distinguished from a mere democracy. The advantage consists not only in the greater convenience with which the public business may be done; but in the deliberation, the calmness, the foresight, the knowledge, the experience, with which it is considered, discussed, and decided; unshaken by the passions which agitate a popular meeting, unawed by the violence, unmoved by the prejudices; with full time to acquire all the necessary information on the subject under consideration. The public affairs are more safe here than they could be in large, unsteady, uninformed, and tumultuous assemblies of the people. But all these advantages will be lost, if the people are, by the machinery of instructions, to infuse all their passions into this body, and to blow the blast of violence through their Representatives, which they are not permitted to do in person. I consider myself, then, standing on this floor as the attorney of the people, irrevocable for two years, and during that period invested, independent of them, with all the Constitutional powers belonging to a Representative of the people. I am independent of them, not by my own power, not in my own right, but because in their power and wisdom, for their own purposes, they have willed, that I shall be so. They can neither shorten the duration of the trust, nor limit the extent of its powers. They cannot, during the period for which they have elected me, by any meeting or resolutions, reach the power they have given me; they cannot declare I am not, for that term, their Representative here; nor can they, for the same reason, diminish or take back to themselves any part of my power while I am here. If these doctrines are now well established by the wisest and soundest politicians in England, are they not still more obvious and necessary in a Government like ours? We are not an entire people, under one entire Government; but a number of confederated States, united for the common good, under one Government, for certain purposes, to a certain extent, and on certain terms distinctly set forth, in the great national compact called the Constitution. It is, assuredly, one of the terms of this Confederation, that the laws which are to govern the whole, shall be made, not by the people themselves, influenced by local interests and prejudices, and having but little knowledge or care of the interests of distant members of the Empire; but by agents, representatives deputed by the several parts, with full powers to consult and act together, for the common welfare. This sort of union and consultation will produce a consistency and harmony of public measures which could never be attained if each part were to deliberate and decide at home, and convey the result to a common centre. By meetings in general council, the interest of the whole are brought into one view; compromises of differences take place; the member from one section of the Union convinces those from another that it is right to yield certain points of local advantage; and, in turn, he gives up something on his part. Could any of this great work, without which we should soon

fall into confusion and disunion, be done if the parts were to act separately? And where is the difference between their acting thus separately, and their doing so by means of instructions to their Representatives, which they dare not disobey? On this system this House could never agree upon anything. Further, sir, it would place the people in different parts of the Union on an unequal and unfair footing; giving those who are near to the Seat of Government the opportunity and the advantage, if it be one, of constantly interfering in and directing the public measures, while the more distant one cannot be heard. The latter have their influence in the public councils by their Representatives only; while the former may add all their own weight to that of the Representatives. The Representatives, too, stand on an unequal ground; some being backed and instructed by their constituents; and others acting solely on their own responsibility and judgment. A measure is carried through before a citizen of Louisiana can hear of it; while the people in the vicinity of Congress have been pressing their whole weight on the judgment or fears of that body. Is this the bargain, sir, between the different members of the Confederation? Is this a fair execution of the national compact? I think not. The States have agreed with each other that the common business shall be done by their appointed Delegates in Congress assembled, on due consultation and deliberation; and so it is not done if we are permitted neither to consult nor deliberate, but are bound to vote and to act as instructed and directed. On personal grounds, I will only ask gentlemen to reflect what will be their situation, if, in obedience to instructions, they give a vote against their judgment and conscience, and which they already see will be productive of evil, perhaps ruinous consequences to their country. When those consequences shall fall upon us, they will in vain go to look for justification and consolation in and from that public voice they had so rashly obeyed. Where will they find it? Gone, vanished, nobody owns it; or more likely, they will find it cursing them for their servility and obedience. But let them consult and obey the voice within, the dictates of their own conscience, and they will always know where to find their consolation and justification.

The question was now taken on filling the blank with eight dollars, and decided in the negative, as follows:

YEAS—Messrs. Adams, Adgate, Alexander, Bateman, Birdsall, Birdseye, Calhoun, Cannon, Carr of Massachusetts, Champion, Chappell, Clark of New York, Condict, Creighton, Crocheron, Culpeper, Davenport, Findley, Forney, Forsyth, Gaston, Gold, Griffin, Hall, Henderson, Hopkinson, Ingham, Irving, of New York, Jackson, Johnson of Virginia, Kent, Kerr of Virginia, Law, Love, Lowndes, Wm. Maclay, Wm. P. Maclay, McKee, McLean, Middleton, Miller, Mills, Milnor, Moffitt, Moore, Moseley, Jer. Nelson, Newton, Pitkin, Powell, Reynolds, Rice, Ruggles, Savage, Schenck, Sheffey, Smith of Pennsylvania, Stearns, Strong, Sturges, Taggart, Tallmadge, Telfair, Thomas, Townsend, Wallace, Ward of Massachusetts, Wendover, Wheaton, Wilde, Thomas Wilson, William Wilson, Woodward, Wright, Yancey, and Yates—76.

NAYS—Messrs. Archer, Atherton, Avery, Baer, Baker, Barbour, Bassett, Baylies, Bennett, Betts, Blount, Boss, Bradbury, Breckenridge, Brooks, Bryan, Burwell, Cady, Caldwell, Cilley, Clarke of North Carolina, Clayton, Clendennin, Comstock, Conner, Crawford, Darlington, Desha, Dickens, Edwards, Fletcher, Goldsborough, Goodwyn, Grosvenor, Hahn, Hale, Hammond, Hardin, Harrison, Heister, Hendricks, Herbert, Hooks, Huger, Hulbert, Hungerford, Irwin of Pennsylvania, Jewett, Johnson of Kentucky, King, Langdon, Lewis, Little, Lovett, Lumpkin, Lyle, Lyon, Marsh, Mason, McCoy, Murfree, Hugh Nelson, Thomas M. Nelson, Noyes, Ormsby, Parris, Peter, Pickering, Piper, Pleasants, Randolph, Reed, Roane, Root, Ross, Sharp, Smith of Maryland, Smith of Virginia, Southard, Stuart, Taul, Taylor of New York, Taylor of South Carolina, Tyler, Vose, Ward of New York, Ward of New Jersey, Whiteside, Wilcox, Wilkin, Williams, and Willoughby—92.

Mr. GROSVENOR then moved to strike out the whole of the bill after the enacting clause, and to insert as follows:

"That, from and after the close of the present session of Congress, the act entitled, 'An act to change the mode of compensation of the members of the Senate and House of Representatives, and delegates from Territories,' and all other acts and parts of acts relating to the pay or compensation of the members of the Senate and House of Representatives of the United States, and of the delegates of the several Territories, for their services, be and the same are hereby repealed."

Mr. HARRISON then moved to recommit the bill to the Committee of the Whole, with instructions to fill the blanks in the same with the word "six."

Mr. HARRISON said, that after the avowal he had made, that his object in moving to recommit the bill to the Committee of the Whole, with instructions as to filling the blank, was intended to put an end to what he considered an unprofitable discussion, it might appear strange that he should rise himself to make any observations on the general question. But as he was placed, with regard to the vote he intended to give, in a situation which might bring upon him the charge of inconsistency, he would claim the attention of the House for a single minute, whilst he explained the motives which would govern him. I am one of those, said Mr. H., who think that six dollars per diem is not an adequate compensation for members of the National Legislature. I entirely agree with gentlemen who have taken that ground, and with the statement made by the venerable gentleman from Pennsylvania, as to the decreased value of money compared with the products of agriculture, since the compensation was fixed at six dollars. I am also, said Mr. H., decidedly of opinion, that, in a Republican Government, the compensation of those who are in the public service should be liberal. A contrary course will fill the Legislature exclusively with men of wealth, or with those who have no talents, or other qualifications for the important duties of legislation; who come here the mere muckworms of popularity, as the honorable gentleman

from Virginia has termed them, whilst the man of talents, without fortune, will elsewhere seek employment. With these convictions strongly fixed in my mind, I have voted throughout for the re-establishment of the old per diem allowance. My reason for doing so is a very short one. I was governed by motives of respect to the wishes and opinions of the American people, whose voice upon this, as upon every other subject, when it can be fairly and distinctly ascertained, I deem myself bound to obey.

What, say gentlemen, give up your own opinions to a mob? Become a mere machine, to be moved as the caprices of the people may direct? No, said Mr. H., my opinions I will never surrender, but upon conviction of their being erroneous; but upon this floor I stand as the Representative, or the agent, of my constituents; bound, I think, by every moral obligation to execute their will. But had I a different opinion, with regard to the right of instruction, yet upon this particular subject, if on no other, I should conform to the wishes of the people in opposition to my own opinion. In fixing their compensation, the members of Congress act as judges in their own cause. This consideration should, I think, determine them to take that dignified stand, to be contented with what the people are willing to allow them, or resign their seats. The subject of increasing the compensation had never been before the public until the law of the last session was passed. The irritation it occasioned was produced not so much by the amount as the mode of compensation, and its retrospective operation. The law is, however, entirely unpopular; the people are determined upon its repeal, and they must, they will be gratified. Obey their voice, then; restore the compensation to its original standard; suffer the indignation which has been excited against the present law to cool, and I am persuaded that the justice, the generosity of the people will be manifest by suffering a future Congress to put their per diem allowance upon a liberal footing.

Mr. FORSYTH suggested, as a readier and preferable mode than going through all the forms of the House again, the propriety of repealing at once the present and reviving the former act, which would produce the result contemplated by Mr. HARRISON; and expressed the regret and humiliation he felt that the subject should have occupied so much time as it had already, and his dislike to commence it anew.

Before the question was taken on Mr. HARRISON'S motion, the House adjourned.

TUESDAY, January 21.

Mr. BLOUNT presented sundry resolutions adopted at a meeting of sundry inhabitants of Blount county, in the State of Tennessee, respecting the situation of land titles in that county, the grievances of the people in consequence of the conflicting claims arising under the States of North Carolina and Tennessee, and soliciting that so much of the act of 1806, as fixes a specific price for the public lands within the said State of Tennessee, and as appropriates certain described parts of the same for the benefit of seminaries of learning, may be repealed.—Referred to the select committee appointed yesterday on the memorial of the Legislature of North Carolina, concerning the said lands.

Mr. ROBERTSON, from the Committee on the Public Lands, to whom was referred the petition of the inhabitants of the Territory of Michigan, reported a bill allowing further time for entering certain donation rights to land in the district of Detroit; which was read twice, and committed to the Committee of the Whole House, on the bill making provision for the location of the lands reserved by the first article of the treaty between the United States and the Creek Indians, to certain chiefs and warriors of that nation.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting his report in obedience to a resolution of the House of the 17th of April last, directing him to procure, and lay before the House, information in relation to the lead mines of the United States, lying in the counties of Washington and St. Genevieve, and Territory of Missouri; which were referred to the Committee on the Public Lands.

An engrossed bill, entitled "An act to amend an act entitled an act authorizing the payment of a sum of money to Joseph Stewart and others," was read a third time, and passed.

A message from the Senate informed the House that the Senate have passed a "Joint Resolution to employ John Trumbull to compose and execute certain paintings," in which resolution they desire the concurrence of this House.

AMENDMENT TO THE CONSTITUTION.

Mr. PICKENS, one of the Representatives from the State of North Carolina, laid before the House the following proceedings of the Legislature of that State; which were read, and ordered to lie on the table:

State of North Carolina:

The Committee to whom was referred a resolution of the Commonwealth of Massachusetts, proposing an amendment to the Constitution of the United States, report:

That the said resolution is in principle the same with that adopted by the General Assembly of North Carolina at their last session, with a modification of one of its provisions in the said resolutions; which meets the unanimous concurrence of your committee. They therefore recommend that the resolution of the Commonwealth of Massachusetts, proposing an amendment to the Constitution of the United States, in the words following, to wit: "That for the purpose of choosing Representatives in the Congress of the United States, each State shall by its Legislature be divided into a number of districts equal to the number of Representatives to which each State may be entitled. The districts shall be formed of contiguous territory, and contain as nearly as may be an equal number of inhabitants, entitled by the Constitution to be represented. In each district the qualified voters shall elect one Representative and no more. That for the purpose of appointing Electors of President of the Uni-

ted States, each State shall by its Legislature be divided into a number of districts equal to the number of Electors to which such State may be entitled. The districts shall be composed of contiguous territory, and contain as nearly as may be an equal number of inhabitants entitled by the Constitution to representation. In each district the persons qualified to vote for Representatives, shall appoint one Elector and no more. The Electors when convened shall have power, in case any of them appointed as above prescribed shall fail to attend for the purposes of their said appointment on the day prescribed for giving their votes for President and Vice President of the United States, to appoint another or others to act in the place of him or them so failing to attend. Neither the districts for choosing Representatives, nor those for appointing Electors, shall be altered in any State until a census and apportionment of Representatives under it subsequent to the division of the State into districts shall be made. The division of States into districts, hereby provided for, shall take place immediately after this amendment shall be adopted and ratified as a part of the Constitution of the United States; and successively immediately afterwards whenever a census and apportionment of Representatives under it shall be made. The division of each State into districts, for the purposes both of choosing Representatives and of appointing Electors, shall be altered agreeably to the provisions of this amendment, and on no other occasion"—be adopted. And that our Senators in the Congress of the United States be instructed, and our Representatives be requested, to endeavor to obtain the said amendment to the Constitution of the United States.

Resolved further, That his Excellency the Governor of this State be, and he is hereby, requested to forward a copy of the preceding resolution to each of our Senators and Representatives in the Congress of the United States, and also to the Executives of the several States, accompanied with a request that the same may be laid before their respective Legislatures for their consideration and adoption. Respectfully submitted.

R. M. SANDERS, *Chairman.*

In Senate, *December* 23, 1816.

The above report being read, was unanimously concurred with; and the resolutions therein proposed unanimously adopted.

JOHN BRANCH, *S. S.*

By order:

ROBERT WILLIAMS, *C. S.*

In House of Commons, *December* 24, 1816.

Read, and concurred with unanimously; and the resolutions therein proposed unanimously adopted.

JA. IREDELL, *S. H. C.*

By order:

P. HENDERSON, *C. H. C.*

The foregoing is a true copy.

Test: ROBERT WILLIAMS, *C. S.*

COMMERCIAL INTERCOURSE.

Mr. Smith, of Maryland, from the Committee on Foreign Affairs, reported a bill to prohibit all commercial intercourse with ports and places, into or with which the vessels of the United States are not ordinarily permitted to enter and trade; which was read twice, and committed to the Committee of the Whole on the bill concerning the navigation of the United States.

The bill is as follows:

A Bill to prohibit all commercial intercourse with ports or places into, or with which, the vessels of the United States are not ordinarily permitted to enter and trade.

Be it enacted, &c., That, from and after the thirtieth day of June next, no ship or vessel belonging to, or coming, directly or indirectly, from any port or place, into, or with which, the vessels of the United States are not ordinarily permitted to enter and trade, shall be permitted to enter the harbors or waters of the United States, or the Territories thereof; vessels employed by any Government for the sole purpose of carrying letters or despatches, and also vessels forced in by distress, and by the dangers of the sea, only excepted. And if any ship or vessel belonging to, or coming directly or indirectly from, any port or place, into, or with which, the vessels of the United States are not ordinarily permitted to enter and trade, not excepted as aforesaid, shall, after the said thirtieth day of June next, arrive within the limits of the United States, or Territories thereof, contrary to the provisions of this act, such ship or vessel, together with the cargo, if any, which may be found on board, shall be forfeited, and may be seized and condemned in any court of the United States, or the Territories thereof, having competent jurisdiction.

Sec. 2. *And be it further enacted*, That, from and after the thirtieth day of June next, no foreign ship or vessel shall be permitted to clear out or depart from the United States, or the Territories thereof, to any port or place, into, or with which, the vessels of the United States are not ordinarily permitted to enter and trade; and, from and after the said thirtieth day of June, next, no foreign ship or vessel shall be permitted to clear out or depart from the United States, or the Territories thereof, until the owner, consignee, master or commander, shall have given bond, with sufficient sureties, being citizens of the United States, in double the value of the vessel, and double the value of the cargo, if any, that such ship or vessel shall proceed directly to, and land her cargo, if any, at some port or place of the nation to which such ship or vessel may belong, and into, or with which, the vessels of the United States are ordinarily permitted to enter and trade, and shall not proceed to, or trade with, any port or place, into, or with which, the vessels of the United States are not ordinarily permitted to enter and trade; and any bond taken, as aforesaid, shall be cancelled by the collector taking the same, on the production to him, within one year from the date of such bond, of the certificate of the Consul of the United States, residing at the port where the vessel may arrive, and the cargo, if any, be landed; or, if there be no Consul of the United States there, then the certificate of two respectable merchants, under oath, residing there: (*Provided*, It shall appear to the collector, from the facts proved by such certificate, that the condition of the bond has been complied with;) and if such certificate be not produced, as aforesaid, it shall be the duty of the proper officer to proceed to the recovery and collection of the amount of said bond, in any court having competent jurisdiction: *Provided, nevertheless*, That the obligors may discharge themselves from liability for the payment thereof, prior to final judgment against them, by the production of the certificate required by this act, and by the payment of the costs of suit which may have accrued previous to the production of the certificate aforesaid.

SEC. 3. *And be it further enacted*, That if any foreign ship or vessel shall, after the thirtieth day of June next, depart or attempt to depart from any port of the United States without a clearance, or without having given bond as required by this act, such ship or vessel, together with her cargo, shall be wholly forfeited, and may be seized and condemned, in any court of the United States, or the Territories thereof, having competent jurisdiction.

SEC. 4. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury, under the direction of the President of the United States, to prescribe rules and regulations for the government of the Consuls of the United States, in foreign ports or places, in granting the certificate required by the second section of this act, and to the collector, the nature and form of the evidence which shall be required in those ports or places, into, and with which, vessels of the United States are ordinarily permitted to enter and trade, wherein no Consul of the United States may reside at the time of the arrival of the vessel and landing the cargo, as required in the second section of this act.

SEC. 5. *And be it further enacted*, That all penalties and forfeitures arising under, or incurred by virtue of this act, the prosecution for, and collection of, which are not herein otherwise provided for, may be sued for, prosecuted, and recovered, with costs of suit, by action of debt, in the name of the United States of America, or by indictment on information, in any court having competent jurisdiction to try the same; and shall be distributed and accounted for in the manner prescribed by the act, entitled "An act to regulate the collection of duties on imports and tonnage," passed the second day of March, one thousand seven hundred and ninety-nine; and such penalties and forfeitures may be examined, mitigated, or remitted, in like manner, and under the like conditions, regulations and restrictions, as are prescribed, authorized and directed by the act, entitled "An act to provide for mitigating or remitting the forfeitures, penalties, and disabilities accruing in certain cases therein mentioned," passed the third day of March, one thousand seven hundred and ninety-seven, and made perpetual by an act passed the eleventh day of February, one thousand eight hundred.

DISBURSING OFFICERS.

Mr. LOWNDES laid before the House letters addressed to him as chairman of the Committee of Ways and Means, by the Secretary of State, the Secretary of the Treasury, the Acting Secretary of War, and the Secretary of the Navy, respecting the accountability of public officers and agents, and the duties and emoluments of the Attorney General; which were ordered to lie on the table.

The letters are as follow:

DEPARTMENT OF STATE, *Dec.* 31, 1816.

SIR: We have the honor to acknowledge the receipt of your letter of the 22d instant, requesting information on the following subjects, viz:

1. Is it intended to apply the power of imprisonment and sale of property, proposed in a late report to the Senate from the Secretaries of the Departments, to cases of property, as well as money, which may be withheld from the Government by its officers?

2. Is it proposed to allow any judicial examination into the claim of the United States, either when an officer who has received money from the Government claims credits not admitted in his accounts, or where a citizen is charged by a Department as a depositary of public money which he denies having received?

3. Would the accountability of public officers be sufficiently secured if the different proposals contained in the report above referred to were all to be adopted, with the exception of that for the establishment of a new Department?

In answer to the first inquiry, it is proper to observe that the reasons for resorting to the arrest and imprisonment of the defaulting officer where property is embezzled or withheld are equally strong as in the case of money. It is presumed that imprisonment would be resorted to only where there is a deficiency of property to satisfy the demand, or in the case of a refusal to settle accounts when adjustments of the accounts of others are dependent upon such settlement. In both these cases, but particularly in the latter, the most rigid exercise of the powers vested in the Government would be indispensable.

A judicial examination, where the officer should allege that injustice had been done in the settlement of his accounts, would perpetuate the delays in the settlement of the public accounts which have produced the derangement in the accounting offices that are intended to be remedied by the summary procedure recommended by the report. It is highly improbable that injustice will be practised by the auditing officers; but if it should happen in any case, the appeal should be to Congress, who will always grant relief.

It is not intended to apply the summary procedure proposed in the report to the Senate to any other persons than officers of the Government. If the Government confide the public property to other persons than officers, their rights as individuals ought not to be affected. It is not proposed to extend the principle beyond the necessity which has produced its application to a certain description of officers. Justice and consistency require that it should apply to the disbursing as well as to the collecting officers of the Government.

In answering the third inquiry, serious difficulties present themselves. The Indian Department stands in front. It is possible that, by a more specific regulation in that branch of the public service than has heretofore been attempted, its accounts might be reduced to some general principles which would admit of their settlement by an Auditor without the sanction of the Head of the Department. Measures have been taken during the present year with a view to such a regulation. Should this be effected, the most serious obstacle to the settlement of those accounts would be removed.

In recommending the establishment of another independent Department, the Secretaries were influenced in some degree by the consideration that the public interest required that the Executive Department should be simple and uniform in its organization. The various branches of Executive authority are now under the direction of the Secretaries of the Departments, except the General Post Office and the Mint. They form exceptions to the general principle upon which the Executive Department has been organized. The best examination which the Secretaries have been able to give the subject has led to the belief that the anomalous organization of these Departments has not been productive of any beneficial consequences. The General Post Office, independent of the anomaly just

stated, presents another of a more singular character. The revenue accruing from the postage of letters is disbursed directly by the General Post Office. No part of it comes into the public Treasury except that portion of it which exceeds the expenses of the Department. The immense sums which are paid to contractors for the transportation of the mail, and to all the postmasters throughout the nation, are disbursed directly by the Postmaster General. The accounts of the Department are revised by the accounting officers of the Treasury, but they are now about six years in arrear.

It is not contended that the establishment of a new Department is indispensably necessary to change the organization of the General Post Office, so as to subject the payment of money in that Department to the checks to which all other payments of public money are subjected. The sums arising from postage of letters might be paid directly into the Treasury, and all sums due to contractors might be paid by warrants at the Treasury, as well without the establishment of a new Department as with it. If it were deemed necessary, all postmasters whose emoluments exceeded a given sum might be paid in the same manner; or the postmasters of all distributing offices might be placed upon that footing. This discrimination might lead to the suggestion that it would be proper to subject that class of officers to the ordeal of passing through the Senate. This suggestion, however, is foreign to the subject of your inquiry. The changes suggested in the modes of conducting the fiscal concerns of the General Post Office were necessarily involved in the proposition to make a new Department, to which it should be subordinate.

We think proper to add that, although provision may be made for the settlement of all the public accounts without the institution of a new Department, we have no doubt that the just principles of accountability would be better preserved, and economy promoted, by the adoption of that measure. Equally satisfied are we that other essential advantages would result from it. As, however, your inquiry does not extend to this object, we think it improper to enter further into the subject.

We have the honor to be, very respectfully, sir, your obedient servants,

JAS. MONROE,
WM. H. CRAWFORD,
GEORGE GRAHAM,
Acting Secretary of War.
B. W. CROWNINSHIELD.

Hon. Mr. LOWNDES, *Chairman, &c.*

From Mr. Monroe to Mr. Lowndes.

1. The Attorney General has been always, since the adoption of our Government, a member of the executive council, or cabinet. For that reason, as well as for the better discharge of his other official duties, it is proper that he should reside at the Seat of Government. It was made the duty of the present officer, at the time of his appointment, to do so; which he has accordingly done. His duties in attending the cabinet deliberations are equal to those of any other member.

2. Being at the Seat of Government throughout the year, his labors are increased by giving opinions to the different Departments and public offices. The proportion of increase could be in part ascertained by an examination of the files of all of them, and comparing the opinions given now with heretofore, when the office was at a distance. But this is not all. Being on the spot, it may be supposed that he will often be resorted to verbally in the progress of current business. Such is the fact. The removal of the office has more than doubled its entire business under this head.

3. The Supreme Court. At the last term of the Supreme Court there were forty-nine causes of the United States upon the docket. Of this number, twenty-three were ultimately disposed of by argument or otherwise. Four others were argued without being decided. Under such circumstances, the Attorney General cannot well engage in the causes of private clients in this court, consistently with a diligent execution of the public business.

The present Attorney General has not embarked in the practice of the local courts of the city of Washington. The practice is, in itself, of little moment; and to engage in it upon a scale to make it, in any degree, worth his attention would be incompatible with the calls to which he is liable from the Executive, and the investigations due to other official engagements.

4. The office has no apartment for business, nor clerks, nor a messenger, nor stationery, nor fuel allowed. These have been supplied by the officer himself, at his own expense.

REPAYMENT OF DUTIES.

The House took up the report of the Committee of Ways and Means on the petition of Chancellor H. Saunders and Manuel Judah. The petitioners pray for the repayment of duties paid by them to the Government on account of spirits distilled in the United States; which repayment they claim on the ground that the spirits have been destroyed by fire; and the Committee of Ways and Means report that the petition ought not to be granted.

The report gave rise to some discussion, in which Mr. PLEASANTS opposed it, and moved to reverse the same so as to declare the petition reasonable; and Mr. LOWNDES advocated the report and explained the views of the committee, which forbade relief to the petitioners, as well as the general policy proper in such cases. Mr. SMITH, of Maryland, likewise spoke in favor of the report, after which the question was taken on concurring therein, and carried.

THE COMPENSATION LAW.

The House then again proceeded to the consideration of the bill to repeal the Compensation Law—Mr. HARRISON'S motion of yesterday to recommit the bill to a Committee of the Whole, with instruction to fill the blank with six dollars, being under consideration.

Mr. HARRISON, after stating that he felt some doubt as to the propriety of that part of his motion, which embraced an instruction to the Committee of the Whole, requested permission to withdraw that branch of it, and did so accordingly.

Mr. PICKERING moved the indefinite postponement of the bill, and spoke some time in favor of leaving the subject to the next Congress, to act as they should deem proper, when the public ferment shall have subsided, and they be able to decide dispassionately, and also because the House had by its votes shown no disposition to fix on an adequate per diem allowance.

The motion for indefinite postponement was supported warmly by Mr. WRIGHT, and briefly by Mr. CALHOUN; and zealously opposed by Mr. PARRIS; when the question on the indefinite postponement was decided in the negative—yeas 53, nays 115, as follows:

YEAS—Messrs. Adams, Atherton, Baer, Baker, Baylies, Bradbury, Breckenridge, Calhoun, Carr of Massachusetts, Chappell, Clark of New York, Clayton, Clendennin, Condict, Crawford, Culpeper, Davenport, Glasgow, Griffin, Grosvenor, Hopkinson, Hulbert, Irving of New York, Jewett, Kerr of Virginia, Law, Love, Lovett, Marsh, Middleton, Mills, Milnor, Moffitt, Moore, J. Nelson, Pickering, Robertson, Schenck, Sheffey, Smith of Pennsylvania, Stearns, Stuart, Sturges, Taggart, Tallmadge, Tate, Thomas, Wallace, Ward of New York, Wendover, Woodward, Wright, and Yates.

NAYS—Messrs. Adgate, Alexander, Archer, Avery, Barbour, Bassett, Bateman, Bennett, Betts, Birdsall, Birdseye, Blount, Boss, Brooks, Bryan, Burwell, Cady, Caldwell, Cannon, Champion, Cilley, Clarke of North Carolina, Comstock, Conner, Creighton, Crocheron, Darlington, Desha, Dickens, Edwards, Fletcher, Forney, Forsyth, Gaston, Goldsborough, Goodwyn, Hahn, Hale, Hall, Hammond, Hardin, Harrison, Heister, Henderson, Hendricks, Herbert, Hooks, Huger, Hungerford, Ingham, Irwin of Pennsylvania, Jackson, Johnson of Virginia, Johnson of Kentucky, Kent, King, Langdon, Lewis, Little, Lowndes, Lumpkin, Lyle, Lyon, William Maclay, William P. Maclay, Mason, McCoy, McKee, McLean, Miller, Moseley, Murfree, Hugh Nelson, T. M. Nelson, Newton, Noyes, Ormsby, Parris, Peter, Pickens, Piper, Pitkin, Pleasants, Powell, Randolph, Reed, Reynolds, Rice, Roane, Root, Ross, Ruggles, Savage, Sharpe, Smith of Maryland, Smith of Virginia, Southard, Strong, Taul, Taylor of New York, Taylor of South Carolina, Telfair, Townsend, Tyler, Vose, Ward of Massachusetts, Ward of New Jersey, Wheaton, Whiteside, Wilcox, Wilde, Williams, Thomas Wilson, William Wilson, and Yancey.

The motion then recurred to recommit the bill to a Committee of the Whole House, which motion was decided in the negative—ayes 58.

The question then recurred on the motion made yesterday by Mr. GROSVENOR, to strike out the substance of the bill and insert a substitute repealing all the laws on the subject from the end of the session, so as to throw on the next Congress the necessity of acting on the subject, not, he declared, with any ungenerous motive towards them, but that they, coming fresh from the people, might be left to decide freely and unshackled.

The motion was supported, earnestly and at length, by Mr. ROBERTSON; when Mr. TAYLOR, of New York, moved to amend the amendment by confining the repeal to the existing act, and thus leave the subject of compensation as it stood prior to the act of last session, which he modified, on the suggestion of Mr. FORSYTH, so as to revive expressly the former laws on the subject.

After a desultory debate of some time on the motion of Mr. GROSVENOR, and the amendment proposed thereto, the question was taken on Mr. TAYLOR'S motion, and decided in the affirmative—yeas 85, nays 81, as follows:

YEAS—Messrs. Archer, Avery, Baer, Baker, Barbour, Bassett, Bennett, Blount, Boss, Brooks, Burwell, Cannon, Cilley, Comstock, Conner, Crawford, Crocheron, Darlington, Desha, Dickens, Edwards, Findley, Fletcher, Forsyth, Glasgow, Goldsborough, Goodwyn, Hahn, Hale, Hall, Hammond, Hardin, Harrison, Heister, Hendricks, Huger, Hungerford, Jackson, Johnson of Virginia, Johnson of Kentucky, King, Langdon, Lewis, Little, Lowndes, Lumpkin, Lyle, Lyon, William Maclay, William P. Maclay, Mason, McCoy, McKee, McLean, Hugh Nelson, T. M. Nelson, Noyes, Ormsby, Parris, Peter, Piper, Pleasants, Randolph, Roane, Root, Ross, Sharpe, Smith of Maryland, Smith of Virginia, Southard, Taylor of New York, Telfair, Townsend, Tyler, Vose, Wallace, Ward of New Jersey, Whiteside, Wilcox, Wilde, Wilkin, Williams, Willoughby, William Wilson, and Yancey.

NAYS—Messrs. Adams, Adgate, Alexander, Atherton, Bateman, Baylies, Betts, Birdsall, Birdseye, Bradbury, Breckenridge, Cady, Calhoun, Carr of Massachusetts, Champion, Chappell, Clark of New York, Clarke of North Carolina, Clayton, Clendennin, Condict, Creighton, Culpeper, Davenport, Forney, Gaston, Gold, Griffin, Grosvenor, Henderson, Hopkinson, Hulbert, Ingham, Irving of New York, Irwin of Pennsylvania, Jewett, Kent, Kerr of Virginia, Law, Love, Lovett, Marsh, Middleton, Miller, Mills, Milnor, Moore, Moseley, Murfree, J. Nelson, Newton, Pickens, Pickering, Pitkin, Reed, Reynolds, Rice, Robertson, Ruggles, Savage, Schenck, Sheffey, Smith of Pennsylvania, Stearns, Strong, Stuart, Sturges, Taggart, Tallmadge, Tate, Taul, Taylor of South Carolina, Thomas, Ward of Massachusetts, Ward of New York, Wendover, Wheaton, Thomas Wilson, Woodward, Wright, and Yates.

So the amendment to the amendment was agreed to, and the question recurred on the motion offered by Mr. GROSVENOR, as amended.

Mr. RANDOLPH stated that when he found his former proposition supported by so few—not more than sixteen or eighteen—in the Committee of the Whole, he had resolved not to revive it in the House unless compelled by the subsequent course of the business, as it would look perhaps, he said, like bravado, like an offer which no one might regard, to throw himself in the front of the battle; and it was therefore with pain he felt himself constrained to bring it forward now, and try the sense of the House on it. After some general remarks on the course of the debate, &c., he moved the second branch of his former proposition, that was, substantially, to deduct from the pay of the members the excess they had received during the present Congress above the former allowance of six dollars a day. The motion, however, not being at present in order, he suspended it.

Mr. TAYLOR then proposing some modification of his motion, which he discovered was necessary from not being sufficiently definite as to the acts intended to be revived, some of them providing compensation for the servants of the House, but which modification could not be now received, as the amendment had been decided on—

Mr. SHARP, for the purpose of giving an opportunity to gentlemen to improve the amendment, and allow them to make as perfect as possible the bill under discussion, moved a reconsidera-

tion of the vote just taken; which motion was agreed to, ayes 87; and

Mr. Taylor's amendment was again brought before the House; when he withdrew that part of the amendment which expressly revived the act in force prior to the act of last session, so as to confine his motion to a simple repeal of the existing act.

The question was then taken on the amendment, as modified, and decided, by yeas and nays, as follows: For the amendment 85, against it 81.

The question was then taken on Mr. Grosvenor's motion, as amended, and decided in the affirmative: For the amendment 83, against it 81.

So the House decided simply to repeal the law of last session, from and after the passing of the present bill.

Mr. Forsyth then moved another section, directing, substantially, that the accounts of the members, for services during the present session, be adjusted and settled in such manner, and by the same rules, as if the act of last session had not been passed; and thereon demanded the yeas and nays.

Mr. Randolph moved to strike out of the motion the words, "for services rendered during the present session."

This motion, and the preceding, gave rise to much discussion; in which Mr. Forsyth supported his amendment as a necessary instruction to the officers of the Treasury and those of this House.

Mr. Randolph supported his motion, as substantially the same which he had offered in Committee of the Whole, to refund the excess received during the present Congress, over what would have been received under the law prior to last session; and he entered at large into the general question, repeating his conviction, that the course he proposed was required by every proper consideration; that if anything was done with the law of the last session, it ought to be a thorough retraction of all that had been done, and that the act now passed ought to be retroactive, as well as the compensation law, which was to be repealed.

Mr. Sheffey rose to show that the motion of Mr. Randolph would embrace only those accounts which remain unsettled; and expressed his coincidence with Mr. R. that, if the act was right, it ought not to be repealed; but if wrong, and it were repealed, that full remuneration ought to be made to the public. Against the latter course, however, he spoke at some length, as it would be for meddling with a vested right, which the law could not now touch, which opinion he argued to establish.

Mr. Forsyth supported his motion at some length, and opposed the amendment offered thereto by Mr. Randolph—because, however proper he might deem its operation on the present session, as the members had received their compensation for the last session, it was not his wish now to touch it, or to coerce its repayment.

Mr. Culpeper thought, if anything at all were done, as proposed by the motion, it ought to be something worthy of the effort; and was, therefore, in favor of a thorough revision of accounts, or none at all.

Mr. Randolph replied to Mr. Sheffey, and denied that the compensation received at the last session was a vested right, but simply a contract, as related to this House, between the right hand and the left; and that if the case were brought before a court, either at common law or in chancery, a recovery might be had, provided the present bill pass, &c. Mr. R. supported his opinion by a variety of arguments, and concluded by declaring, that if the subject was acted on at all, he was unwilling to stop short of justice to the public—justice he called it, because, if not so, why pass the law at all?

Mr. Sheffey rejoined, and repeated his belief, that those accounts which had been settled, were finally settled to all intents and purposes, being settled under the law of the land, and could not be touched—he entered into various illustrations of his view of vested rights, which he conceived this to be.

Mr. Root spoke against the retroactive proposition; because, as he believed, it would be inefficacious, could not be executed fully, and would, therefore, operate unfairly; which opinion he argued at some length to sustain.

Mr. Goldsborough explained briefly the reasons which would induce him to vote for Mr. Randolph's amendment.

A motion was then, about 4 o'clock, made to adjourn, and the House adjourned.

Wednesday, January 22.

Mr. Pleasants, from the Committee on Naval Affairs, reported a bill for the benefit of the widows and orphans of the officers, seamen, and marines who were lost in the United States brig Epervier; which was read twice, and committed to a Committee of the Whole.

On motion of Mr Goldsborough, the Committee of Ways and Means were instructed to inquire into the expediency of modifying the laws relative to the collection of the internal revenue, so far as to require the collectors within the State of Maryland to keep an office, or known place for the transaction of business, at the county town of each county of their district, and to attend there by themselves or deputy at certain stated times, for that purpose.

On motion of Mr. Newton, the Committee of Commerce and Manufactures were instructed to inquire into the expediency of authorizing registers to be issued to that description of vessels denominated sea-letter vessels.

The joint resolution from the Senate to employ John Trumbull to compose and execute certain paintings, was read twice and referred to Messrs. Calhoun, Hopkinson, Wilde, Randolph, and Pitkin.

Mr. Cady, after some prefatory remarks, submitted the following resolution:

Resolved, That the Secretary of the Treasury be, and he is hereby, required to report to this House

whether there be any bank notes in the Treasury which cannot be advantageously applied in the payment of debts due from the United States, and if there be any such bank notes, the amount thereof, and in what banks the same are deposited, and whether any, and what provision, in his opinion, ought to be made, by law, to compel the banks which issued such notes to redeem the same, or give security for the redemption thereof, with interest.

Some debate arising on the adoption of this resolution, a motion was made to lay the subject on the table, and was carried—yeas 65, nays 55.

THE COMPENSATION BILL.

The House again resumed the subject of the compensation bill. Mr. RANDOLPH's proposition to amend Mr. FORSYTH's amendment, by striking therefrom the words "during the present session," (so as to include the accounts of both sessions in the settlement agreeably to the old per diem of six dollars) being under consideration—

Mr. CADY spoke some time against the inexpediency, the injustice, and impracticability of going into a settlement of the accounts of last session, and requiring a repayment of the excess received over the amount which would have been been receivable under the old compensation.

Mr. PITKIN followed on the same side.

Mr. RANDOLPH declared he was as adverse to the amendment as any one; but it was predicated on the supposition, that the repeal would extend to the 3d of March, 1815; he knew that if the repeal took effect at any time prior to the period he contemplated, the consequences predicted by the gentlemen opposed to it, would result.

The question was then taken on Mr. RANDOLPH's motion to amend Mr. FORSYTH's amendment, and decided in the negative—yeas 61, nays 101, as follows:

YEAS—Messrs. Archer, Atherton, Baker, Betts, Birdsall, Birdseye, Bryan, Burwell, Caldwell, Clark of New York, Clarke of North Carolina, Condict, Crawford, Desha, Fletcher, Goldsborough, Grosvenor, Hall, Hammond, Heister, Herbert, Hooks, Huger, Hungerford, Ingham, Irving of New York, Jewett, King, Langdon, Lewis, Little, William P. Maclay, McKee, Miller, Moore, Murfree, Hugh Nelson, Thos. M. Nelson, Ormsby, Parris, Pickens, Piper, Randolph, Reynolds, Ross, Savage, Schenck, Sheffey, Smith of Maryland, Taul, Taylor of New York, Taylor of South Carolina, Thomas, Townsend, Ward of New York, Ward of New Jersey, Wendover, Wheaton, Wilkin, Thomas Wilson, and Yates.

NAYS—Messrs. Adams, Adgate, Alexander, Avery, Baer, Barbour, Bassett, Bateman, Baylies, Bennett, Blount, Boss, Bradbury, Breckenridge, Brooks, Cady, Calhoun, Cannon, Carr of Massachusetts, Champion, Chappell, Cilley, Clayton, Clendennin, Comstock, Conner, Cooper, Creighton, Crocheron, Culpeper, Darlington, Davenport, Dickens, Edwards, Findley, Forney, Gaston, Gold, Goodwyn, Griffin, Hahn, Hale, Hardin, Harrison, Henderson, Hendricks, Hopkinson, Hulbert, Jackson, Johnson of Virginia, Johnson of Kentucky, Kent, Kerr of Virginia, Law, Love, Lovett, Lowndes, Lumpkin, Lyle, Lyon, William Maclay, Marsh, Mason, McCoy, McLean, Mills, Milnor, Moffitt, Moseley, Newton, Noyes, Peter, Pickering, Pitkin, Pleasants, Powell, Reed, Rice, Roane, Robertson, Root, Ruggles, Smith of Pennsylvania, Smith of Virginia, Southard, Stearns, Stuart, Sturges, Taggart, Tallmadge, Vose, Wallace, Ward of Massachusetts, Whiteside, Wilde, Williams, Willoughby, William Wilson, Woodward, Wright, and Yancey.

The question then recurred on Mr. FORSYTH's motion to extend the operation of the bill to the commencement of the present session.

Mr. GROSVENOR moved to amend Mr. FORSYTH's proposition, by striking out the whole thereof, and inserting a substitute, substantially to suspend the repeal of the existing compensation act until the end of the present session, and to provide that the repealing act should not revive any former compensation law.

After some debate thereon, the question was taken on Mr. GROSVENOR's motion, and decided in the affirmative—yeas 104, nays 62, as follows:

YEAS—Messrs. Adams, Alexander, Atherton, Baer, Baker, Baylies, Betts, Birdsall, Boss, Bradbury, Breckenridge, Bryan, Cady, Caldwell, Calhoun, Carr of Massachusetts, Champion, Cilley, Clark of New York, Clarke of North Carolina, Clayton, Clendennin, Condict, Conner, Cooper, Creighton, Crocheron, Culpeper, Darlington, Davenport, Findley, Forney, Gaston, Gold, Griffin, Grosvenor, Hardin, Henderson, Herbert, Hopkinson, Ingham, Irving of New York, Jewett, Johnson of Kentucky, Kent, Kerr of Virginia, Law, Lewis, Love, Lovett, Lyle, William Maclay, Marsh, Mason, McCoy, McKee, McLean, Middleton, Miller, Mills, Milnor, Moffitt, Moore, Moseley, Murfree, Thomas M. Nelson, Newton, Noyes, Pickens, Pickering, Piper, Powell, Randolph, Reed, Reynolds, Robertson, Root, Ross, Ruggles, Savage, Schenck, Sharp, Sheffey, Smith of Pennsylvania, Stearns, Strong, Stuart, Sturges, Taggart, Tallmadge, Taul, Taylor of South Carolina, Thomas, Townsend, Ward of Massachusetts, Ward of New York, Wendover, Wheaton, Whiteside, Wilkin, Willoughby, Thomas Wilson, Woodward, and Yates.

NAYS—Messrs, Adgate, Archer, Avery, Barbour, Bassett, Bateman, Bennett, Birdseye, Blount, Brooks, Burwell, Cannon, Chappell, Comstock, Desha, Dickens, Edwards, Fletcher, Forsyth, Goldsborough, Goodwyn, Hahn, Hall, Hammond, Harrison, Heister, Hendricks, Hooks, Huger, Hulbert, Hungerford, Jackson, Johnson of Virginia, King, Langdon, Little, Lowndes, Lumpkin, Lyon, William P. Maclay, Hugh Nelson, Ormsby, Parris, Peter, Pitkin, Pleasants, Rice, Roane, Smith of Maryland, Smith of Virginia, Southard, Taylor of New York, Tyler, Vose, Wallace, Ward of New Jersey, Wilcox, Wilde, Williams, William Wilson, Wright, and Yancey.

So the House agreed to the substitute, and decided against repealing the existing act, until from and after the present session, and against the revival of the previous compensation law; thus leaving it to the next Congress to act of necessity on the subject.

Mr. WILDE, after some introductory observations in favor of adopting some permanent provision, and not leaving the subject to be agitated again, &c., moved further to amend the bill, by the introduction of several sections, proposing, substantially, to provide a per diem allowance of nine dollars, as the future compensation to be al-

lowed to members after the close of the present session.

This proposition was opposed by Messrs. Cady, Gold, and Condict, who spoke in favor of leaving to a future Congress the adjustment of its own compensation; and, after the tedious and varying course pursued on the subject, of acting on it definitively, without commencing anew with the proposed amendment.

Mr. Randolph dissented from the opinion, that more time had been occupied by this subject than it deserved, and rather wondered that it was likely to end so soon; he opposed, however, Mr. Wilde's motion, and advocated the peculiar propriety of leaving the subject to their successors. Mr. R. entered much at large into the merits of the act of last session, which he supported, as highly auspicious to the honor and character of the Legislature, and beneficial to the country; that it had been made odious only by the cabals of printers of both parties; that he had no doubt it would hereafter be more justly appreciated by the people, when the public effervescence should subside, and the good sense of the people soberly decide on the subject; and that the succeeding Representatives, coming with the deliberate sentiments of the people, would be able to settle the question calmly and properly.

After a few more remarks by the mover in favor of the motion, and by Messrs. Gold and Grosvenor in opposition—

Mr. Forsyth suggested that the amendment be varied, so as to fill the blank relating to travelling expenses with six dollars for every twenty miles, leaving the other blank to be filled with nine dollars, as the future pay for daily attendance.

Mr. Condict proposed to strike from the amendment the word nine, and insert eight, as the future per diem for attendance.

After some remarks from Mr. Pickering, against legislating on the subject for the next Congress, and especially against voting to them more than a majority of them, he expected, would vote to themselves—

Mr. Wilde said, to save time, and accommodate his motion as extensively as he could to the various opinions apparent in the House, he would modify it, so as to fill the blank, both for the daily attendance and travelling expenses, with eight dollars.

Mr. W.'s amendment, as modified, is as follows:

Sec. 4. *And be it further enacted*, That at every future session of Congress, and at every meeting of the Senate in the recess of Congress, each Senator shall be entitled to receive, in lieu of all other compensation heretofore allowed by law, eight dollars for every day he shall attend the Senate; and shall also be allowed, at the commencement and end of every such session and meeting, eight dollars for every twenty miles of the estimated distance, by the most usual road, from his place of residence to the seat of Congress; and in case any member of the Senate shall be detained by sickness on his journey to or from any session or meeting, or, after his arrival, shall be unable to attend the Senate, he shall be entitled to the same daily allowance; and the President of the Senate, *pro tempore*, when the office of the Vice President of the United States is or shall be vacant, shall, during the period of his services, be entitled to receive, in addition to his compensation as a member of the Senate, eight dollars for every day he shall attend the Senate: *Provided*, That no Senator shall be allowed a sum exceeding the rate of eight dollars a day, from the end of one such session or meeting to the time of his taking a seat in another.

Sec. 5. *And be it further enacted*, That during the remaining part of the present session of Congress, to be calculated from the time of passing this act, and at every future session of Congress, each Representative, and each Delegate from the respective Territories, shall be entitled, in lieu of all other compensation heretofore allowed by law, eight dollars for every day they shall attend the House of Representatives; and shall be allowed, at the commencement and end of each session, eight dollars for every twenty miles of the estimated distance, by the most usual road, from his place of residence to the seat of Congress; and in case any Representative or Delegate shall be detained by sickness on his journey to or from the session, or after his arrival shall be unable to attend the House of Representatives, he shall be entitled to the daily allowance aforesaid; and the Speaker of the House of Representatives shall be entitled to receive, in addition to his compensation as a Representative, eight dollars for every day he shall attend the House: *Provided, always*, That no Representative or Delegate shall be allowed a sum exceeding the rate of eight dollars a day, from the end of one session to the time of taking his seat in another. That the said compensation to the members of the Senate shall be certified by the President, and that which shall be due to the members of the House of Representatives, and to the Delegates, shall be certified by the Speaker; and the same shall be passed as public accounts, and paid out of the public Treasury. And that all acts, or parts of acts, contrary to the provisions of this act, be, and the same are hereby, repealed.

The question was then taken thereon, as modified, and decided in the negative—yeas 31, nays 133, as follows:

Yeas—Messrs. Adams, Adgate, Alexander, Atherton, Cannon, Chappell, Clark of New York, Condict, Creighton, Culpeper, Davenport, Findley, Forsyth, Gaston, Gold, Goldsborough, Hammond, Lowndes, McKee, McLean, Moseley, Pickens, Pitkin, Reynolds, Sturges, Taggart, Tallmadge, Thomas, Wilde, Thomas Wilson, and Yancey.

Nays—Messrs. Archer, Avery, Baer, Baker, Barbour, Bassett, Bateman, Baylies, Bennett, Birdsall, Birdseye, Blount, Boss, Bradbury, Breckenridge, Brooks, Bryan, Burwell, Cady, Caldwell, Calhoun, Carr of Mass., Champion, Cilley, Clarke of North Carolina, Clayton, Clendennin, Comstock, Conner, Cooper, Crawford, Crocheron, Darlington, Desha, Dickens, Edwards, Fletcher, Forney, Goodwyn, Griffin, Grosvenor, Hahn, Hale, Hardin, Harrison, Heister, Henderson, Hendricks, Herbert, Hooks, Hopkinson, Huger, Hulbert, Hungerford, Ingham, Irving of New York, Irwin of Pennsylvania, Jackson, Jewett, Johnson of Virginia, Johnson of Kentucky, Kent, Kerr of Virginia, King, Langdon, Law, Lewis, Little, Love, Lovett, Lumpkin, Lyle, Lyon, William Maclay, Wm. P. Maclay, Marsh, Mason, McCoy, Middleton, Miller,

Mills, Milnor, Moffitt, Moore, Murfree, Hugh Nelson, Thomas M. Nelson, Newton, Noyes, Ormsby, Parris, Peter, Pickering, Piper, Pleasants, Powell, Randolph, Reed, Rice, Roane, Root, Ross, Ruggles, Savage, Schenck, Sharpe, Sheffey, Smith of Pennsylvania, Smith of Maryland, Smith of Virginia, Southard, Stearns, Strong, Stuart, Tate, Taul, Taylor of North Carolina, Taylor of South Carolina, Tyler, Vose, Wallace, Ward of Massachusetts, Ward of New York, Ward of New Jersey, Wendover, Wheaton, Whiteside, Wilcox, Wilkin, Williams, Woodward, Wright, and Yates.

The bill was then, at length, ordered to be engrossed, as amended, and read a third time tomorrow.

Mr. FORSYTH called for the consideration of his resolution, respecting the regulation adopted by the Directors of the United States Bank; but, before the question was put on taking it up, the House adjourned.

THURSDAY, January 23.

A new member, to wit: from Georgia, ZADOCK COOK, appeared, was qualified, and took his seat, in the room of Alfred Cuthbert, resigned.

Mr. WENDOVER persented a petition of the merchants and ship owners in the city of New York, praying that an act may be passed, imposing such restrictions on the commerce of foreign nations with, and on the shipping of said nations entering into the ports of the United States, as are imposed by them, or either of them, on the commerce of the United States, or on the shipping of the same, entering the ports of such foreign nation or nations.—Referred to the Committee of the Whole, to which is committed the bill to prohibit all commercial intercourse with ports or places into, or with which the vessels of the United States are not ordinarily permitted to enter and trade.

Mr. H. NELSON, from the Committee on the Judiciary, reported a bill to appoint an additional judge for the Mississippi Territory, and for other purposes; which was read twice, and committed to a Committee of the Whole.

Mr. HERBERT, from the committee appointed on the petition of John Darnall, reported a bill for the relief of John Darnall; which was read twice, and committed to a Committee of the Whole.

On motion of Mr. INGHAM, a committee was appointed to inquire into the expediency of amending so much of the act of the 21st of April, 1816, entitled "An act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads, and for other purposes," as relates to the compensation of clerks. Messrs. INGHAM, FORSYTH, ATHERTON, CADY, and YATES, were appointed the committee.

GENERAL HARRISON.

Mr. JOHNSON, of Kentucky, from the committee to which was referred the letter and report of the Acting Secretary of War, on the application of Major General William H. Harrison, respecting his expenditures of public money while commanding the Northwestern army, made a report thereon, stating that the committee are unanimously of opinion that General Harrison stands above suspicion, as to his having had any pecuniary or improper connexion with the officers of the commissariat for the supply of his army; that he did not wantonly or improperly interfere with the rights of the contractors; and that in his whole conduct, as commander of the said army, he was governed by a laudable zeal for, and devotion to, the public service and interest; which said report was read and considered. Whereupon it was ordered, that the committee be discharged from the further consideration of the subject, and that the papers be transmitted to the Department of War.

After the report was read, Mr. HULBERT said, that, having the honor to be one of the committee who made the report which was then before the House, he felt it his duty to make a few remarks upon it.

The committee, he said, considered the subject an important one. It was interesting to the public, and highly and especially so to General Harrison. The character of that gentleman had been impeached. They, therefore, determined to make the investigation as full and thorough as should be in their power. With such views and sentiments they entered upon the inquiry. They had notified a gentleman who had made charges in writing against the General, and requested his attendance upon the committee, and he had more than once attended. They had read and considered all the documents and papers which they could obtain, and which they thought calculated to throw light on the inquiry, and had examined many respectable witnesses, and the investigation had resulted in a firm belief, and an unanimous opinion of the committee, that the insinuations and complaints which had been made against General Harrison, and which were the foundation of his application to Congress, were unmerited, groundless, and unjust.

Mr. H. said it gave him pleasure to make these declarations. He considered himself doing an act of justice to an injured individual. He said he must acknowledge that he had entertained impressions very unfavorable to the General. The complaints which had been made against him had spread far and wide. The bane and antidote had not gone together. He rejoiced that this inquiry had been made, and he had no hesitation in saying that, so far as the report of the committee should defend, before the public, the conduct and character of General Harrison, it would promote the cause of truth and justice.

Mr. H. said that the General had been charged with unjust and oppressive conduct in relation to the contractors in the army under his command. He said he was entirely satisfied that the General had interfered only in those cases where he thought his duty to the public imperiously required it. In saying this, he meant to cast no imputation upon the contractors; he spoke only of what he believed to be the motives of General Harrison.

The most serious accusation against the Gen-

eral was, that while he was commander-in-chief in the West, regardless of his country's good, he was in the habit of managing the public concerns with a view to his own private interest and emolument. Mr. H. said he could not refrain from pronouncing this a false and cruel accusation. He was confident that directly the reverse was true. There was the most satisfactory evidence that the General, in the exercise of his official duties, in his devotion to the public interest, had neglected his private concerns, to his material detriment and injury. In a word, said Mr. H., I feel myself authorized to say that every member of the committee is fully satisfied that the conduct of General Harrison, in relation to the subject-matter of this inquiry, has been that of a brave, honest, and honorable man; that, instead of deserving censure, he merits the thanks and applause of his country.

PAYMENT FOR LOST PROPERTY.

Mr. Clark, of New York, from the committee to which were referred the memorials and petitions of the inhabitants of the town of Buffalo, and of the Niagara frontier, claiming indemnification for property destroyed by the enemy during the late war with Great Britain, made a detailed report, which was read; when Mr. C. reported a bill for the relief of certain sufferers in the late war between the United States and Great Britain; which was read twice, and committed to a Committee of the Whole.

The report is as follows:

"That they have investigated the evidence adduced by the memorialists, and, on full examination, find that the most of the houses on the Niagara frontier were used by the Government as public stores, hospitals, or barracks. The public having no buildings of their own were compelled, from necessity, to convert those of individuals to their own use, without, in many instances, consulting the feelings of the proprietors. It further appears to the committee that the citizens, in some instances, fearing what might be the consequences, remonstrated against the military occupation of their houses, and that assurances were given by American officers that if they were, in consequence, destroyed, Government would remunerate the sufferers. Without deciding the question, how far the usages of war would justify the destruction of private buildings occupied in the manner above described, your committee are unanimously of opinion, that it is one of those cases in which a generous and enlightened Government would step forward in aid of the sufferers. In what mode this aid is to be administered, has also been a subject of deliberation with the committee. The military occupation was at different times nearly universal, and they are of opinion that no discrimination ought to be made between those whose houses happened at the moment to be in the occupation of Government, and others who were equal sufferers, and recommend that a gross sum be distributed among the whole, in proportion to their respective losses. They, therefore, recommend that the sum of $340,000 be appropriated for this purpose. The amount of losses returned to the commissioner, under the act of the last session, is $654,832 90, which may be assumed as the actual losses sustained. The Government has already paid for losses on that frontier $65,666 50, which, being subtracted, leaves $589,166 40. The committee are of opinion that, on many considerations which need not be stated, it would be improper to vote the whole amount of the actual losses sustained, and have, therefore, assumed the sum which they recommend to the House."

COMPENSATION LAW.

An engrossed bill, "allowing compensation to the members of the Senate and House of Representatives of the United States, and Delegates from Territories, and repealing all other laws on that subject contrary thereto," was read the third time, and the question stated that the same do pass—

Mr. Randolph moved to commit the bill to a select committee; which was agreed to by the House, and Mr. Randolph, Mr. Grosvenor, and Mr. Hopkinson, were appointed the committee, with leave to sit during the session of the House.

Mr. Randolph, with leave of the House, reported an amendment to the bill, which was read and concurred in, and the bill was ordered to be re-engrossed, and read a third time forthwith to-day.

The bill being engrossed, was read the third time accordingly, and is in the following words:

Be it enacted, &c., That, from and after the close of the present session of Congress, the act, entitled "An act to change the mode of compensation to the members of the Senate and House of Representatives, and the Delegates from Territories," passed the 19th of March, 1816, shall be, and the same is hereby repealed. *Provided always*, That nothing herein contained shall be construed to revive any act or acts, or parts of acts, repealed or suspended by the act hereby repealed.

Mr. Mills of Massachusetts, rose, and moved that the bill be indefinitely postponed.

Mr. M. supported his motion at some length; believing that the passage of the bill, in its present shape, would place the House in a much more awful and responsible situation before the people, than even the act of the last session did; and thought it was much preferable to adopt a compensation now, than to throw on a future Congress the embarrassment and difficulty of the subject, who might be driven to fix a sum much below what it ever had been, and totally inadequate to their services, &c.

Mr. Culpeper thought there was no danger in leaving to the next Congress the duty of fixing its own pay, as he thought the Representatives of the people would always act with justice to themselves in adjusting their compensation.

The yeas and nays being ordered on the question, Mr. Mills withdrew his amendment for the present.

Mr. Parris moved to amend the bill by striking out the clause which makes the repeal prospective, with the view of making the repeal of the existing act take effect from the passage of the bill.

This motion was, however, decided to be not in order, as was a motion declared to be already decided by the House. The question was then stated, "Shall the bill pass?"

Mr. KING moved to recommit the bill to a select committee, with instruction to report a repeal of the existing act, and revival of the former acts fixing the compensation.

The motion was objected to by Mr. CULPEPER, and supported by the mover; when

The question was taken on the recommitment, and negatived by a large majority.

The question recurring on the passage of the bill—

Mr. PITKIN opposed the bill, because it repealed all laws on the subject, which he could not consent to, after pocketing themselves three thousand dollars; he disapproved of the bill in its present shape, because of the precedent which would probably, by this course, grow up, of compelling each Congress to fix its own compensation, and thus continually reviving the delicate, embarrassing, and irritating subject; the ultimate consequence of which, he feared, would be, at every election, to put up the seats in this House to the lowest bidder.

Mr. GROSVENOR said, that the members still retaining their opinions on this subject, properly declined repealing the act as to the present Congress; but, as it appeared not acceptable to the people, they leave the subject open to the next Congress. This was the only honorable course; for, if the act was touched at all, it ought to be retrospective, and every dollar received above the old pay ought to be refunded; that, if the House could have agreed on an adequate per diem, the case would have been different; but, that not being the case, the only proper course, if repealed, was to adopt the bill in its present shape. He, however, to be consistent, would vote against the bill in any shape; but he wished the step taken by the House to be as little discreditable for it as possible.

Mr. RANDOLPH, in reply to the idea, that the next Congress would be driven to fix on an unworthy compensation, said he relied on the Senate for a corrective of such a grovelling disposition; though considering the Senate always as the oligarchical branch of the Government, viewing it constantly with dread, and always, therefore, supporting the authority of this House in opposition thereto, still he looked to it, in this affair, as a corrective for any low and grovelling attempt which might be made to reduce the compensation; that he thought it better for the House to serve for a bare sufficiency to support the expenses of life, indeed for nothing, than to adopt such a course as would bring into the House a certain description of persons, &c. Mr. R. spoke some time in illustration of the opinion already submitted by him in the course of the debate—deprecating that spirit which viewed with unconcern the waste which, he said, had so long taken place in the Treasury, and yet begrudged the watch-dogs of the Republic enough to buy bread. He also went into a pretty general review of public affairs, the concerns of the Treasury, Bank, Military Establishment, the war, taxes, &c., to express his surprise, that the people should be such gulls as suffer without resistance, abuses in all these concerns, and yet set up the act of last session as a goblin, to be alarmed at; but he was satisfied, if they could pack upon this act all their ills, make it the scape-goat, and send it off into the wilderness of the West. He noticed minutely certain periods of English and Irish history, and some of the eminent men of those countries, commenting on and explaining their public conduct; in the course of which, Mr. R. said, he thought himself bound to be acquainted with the great events, and great characters of England, previous to the Stamp Act, because, previous to the separation produced by that and other oppressive acts, it was our country. He would never consent to be considered as an upstart nation, sprung from nobody knows who, when we could trace our descent from an ancient and noble stock;—he spoke, he said, of the pedigree of the nation—not in the spirit of exploded family pride. He would never give up his claim to be the compatriot of Alfred, Shakspeare, Milton, Newton. He occupied more than an hour in a very discursive, and somewhat desultory speech; to which

Mr. PITKIN replied at some length; when the question whether the bill should pass, was decided by the following vote:

YEAS—Messrs. Adams, Alexander, Archer, Atherton, Avery, Baer, Baker, Barbour, Bassett, Bateman, Bennett, Birdsall, Birdseye, Blount, Boss, Breckenridge, Brooks, Bryan, Burwell, Cady, Caldwell, Cannon, Carr of Massachusetts, Champion, Cilley, Clark of New York, Clarke of North Carolina, Clendennin, Comstock, Conner, Cook, Crawford, Creighton, Crocheron, Culpeper, Darlington, Desha, Dickens, Edwards, Findley, Fletcher, Forney, Forsyth, Gaston, Gold, Goldsborough, Goodwyn, Griffin, Hahn, Hale, Hammond, Hardin, Harrison, Heister, Henderson, Hendricks, Herbert, Hooks, Huger, Hungerford, Ingham, Irving of N. York, Irwin of Pa., Jackson, Jewett, Johnson of Kentucky, Johnson of Virginia, Kent, King, Langdon, Law, Lewis, Little, Love, Lovett, Lowndes, Lumpkin, Lyle, Lyon, William Maclay, William P. Maclay, Marsh, Mason, McCoy, McKee, McLean, Miller, Milnor, Moffitt, Moore, Moseley, Jeremiah Nelson, Hugh Nelson, Thomas M. Nelson, Noyes, Parris, Peter, Pickering, Piper, Pleasants, Powell, Randolph, Reed, Reynolds, Roane, Root, Ross, Ruggles, Schenck, Sharpe, Sheffey, Smith of Maryland, Smith of Virginia, Southard, Strong, Stuart, Sturges, Taggart, Tallmadge, Tate, Taul, Taylor of New York, Taylor of South Carolina, Thomas, Tyler, Vose, Ward of Massachusetts, Ward of New Jersey, Wheaton, Whiteside, Wilcox, Wilde, Wilkin, Williams, Willoughby, Thos. Wilson, Wm. Wilson, and Yancey—138.

NAYS—Messrs. Baylies, Betts, Bradbury, Calhoun, Chappell, Clayton, Condict, Cooper, Davenport, Grosvenor, Hall, Hopkinson, Hulbert, Kerr of Virginia, Mills, Newton, Pitkin, Rice, Robertson, Savage, Smith of Pennsylvania, Stearns, Wallace, Ward of New York, Wendover, Woodward, and Yates—27.

So the bill passed, and after considerable discussion on the title proper to be given thereto, whether it should express fully all the provisions of the bill, &c., it was decided at length to be entitled, "An act to repeal, after the close of the present session of Congress, the act entitled, 'An

act to change the mode of compensation to the members of the Senate and House of Representatives, and Delegates from Territories,' passed 19th March, 1816."

BILL FOR ENFORCING NEUTRALITY.

The House then, on motion of Mr. Forsyth, went into a Committee of the Whole, on the bill to prevent the citizens of the United States from selling vessels of war to the citizens or subjects of any foreign Power, and more effectually to prevent the arming and equipping vessels of war in the ports of the United State, intended to be used against nations in amity with the United States.

Mr. Forsyth referred the attention of the House to documents before it, to show that acts violating the neutral character of the United States were often committed in the manner proposed to be prohibited by this bill, and remarked briefly on the necessity which existed of enabling the Government effectually to repress such acts of hostility.

Considerable discussion arose on the details of the bill, in which Messrs. Forsyth, Robertson, Betts, Grosvenor, Bassett, Lowndes, King, Smith of Md., Gaston, Mills, Calhoun, and Root, took part; and various modifications were proposed to its provisions; amongst which was an unsuccessful motion by Mr. Robertson, to impose the penalty on selling an armed vessel for purposes forbidden by the bill, on the person selling the same, only in case it shall be his own act; so as not to make the seller of a vessel responsible for its misuse through all the changes which might afterwards take place in the property or ownership of such vessel.

Mr. Gaston moved, but subsequently withdrew the motion, to make the penalty applicable only in case an armed vessel shall be converted to unlawful purposes within twelve months after sale, or between her departure from and return to the United States.

Before it had got through the bill, the Committee rose, reported progress, and obtained leave to sit again.

The House, on motion of Mr. Forsyth, took up the joint resolution respecting the arrangement lately made by the Directors of the United States Bank, and the said resolution was twice read and committed to a Committee of the whole House.

And the House adjourned.

Friday, January 24.

Mr. Pope presented a petition of the Legislature of the Territory of Illinois, praying that the inhabitants who resided on the frontiers of that Territory, and were compelled to encounter the enemy during the late war between the United States and Great Britain and her Indian allies, may be allowed the pay and emoluments of soldiers of the Army of the United States.—Referred to the Committee of Claims.

Mr. McKee, of Kentucky, moved the following resolutions of inquiry:

Resolved, That a committee be appointed to inquire whether any, and, if any, what offices created during the war have become useless by the return of peace.

Resolved, That the said committee be instructed to inquire into the expediency of abolishing useless and unnecessary offices.

Resolved, That the said committee be instructed to inquire into the expediency of disqualifying any person from holding two offices at the same time.

Resolved, That the said committee be instructed to inquire into the expediency of equalizing the pay and emoluments of the officers and persons employed in the civil, military, and naval departments of the Government.

The resolutions were agreed to without a division, and a committee of five ordered to be appointed accordingly; and Messrs. McKee, Ingham, Sheffey, Atherton, and Archer, were appointed the committee.

On motion of Mr. Langdon, the Secretary of War was required to lay before this House, the annual expenditure of the Military Academy at West Point, from its commencement to this time: Also, the number of students who have annually entered or completed their education in said Academy: And also, what number of persons, therein educated, are now retained in the Army of the United States, and the offices in which they severally serve.

BILL FOR ENFORCING NEUTRALITY.

The House then proceeded to the order of the day on the bill further to prevent the fitting out, in the ports of the United States, of expeditions against nations in amity with the United States—in Committee of the Whole.

Mr. Forsyth, of Georgia, the chairman of the committee who reported the bill, rose for the purpose of explaining the views of the committee on this subject. The attention of the House had been called to this subject, Mr. F. said, by the President of the United States, who, by his Message of the 26th of December, had apprized both Houses that the existing laws did not enable him to preserve the peace of the United States with foreign Powers. The subject of that Message having been referred to the Committee of Foreign Relations, they, in the ordinary mode, had applied to the Secretary of State for information specially on the subject. They inquired what information had been given to the Department of State of violations, or intended violations, of the neutral obligations of the United States to foreign Powers, by the arming and equipment of vessels of war in our ports; what prosecutions had been commenced under the existing laws to prevent the commission of such offences; what persons prosecuted had been discharged in consequence of the defects of the laws now in force; and the particular provisions that had been found insufficient, or, for the want of which, persons deserving punishment had escaped. On the 6th of January an answer had been received from the Secretary of State, referring to certain verbal communications to the chairman of the committee,

and stating what were the defects in the laws.* As the chairman of the Committee of Foreign Relations had not thought himself at liberty to state, on his own authority, the verbal communications referred to by the Secretary, on the 10th of January the Secretary of State had addressed to the committee another letter, more particular as to the facts, stating the prosecutions commenced, how far they had been successful, and how far they had failed. † The information collected by the committee, Mr. F. said, was defective in some particulars, but it was no fault of the committee. It did not appear, from the documents, from what causes some of the prosecutions had failed. However, taking it for granted, as it was their duty to do, that the information of the President was correct, the committee had turned its attention to existing laws, to ascertain the provisions seeming to them necessary to remove these defects.

It was found that the act of 1794, which the circumstances then occurring had called for, forbade, under heavy penalties, citizens of the United States from accepting commissions from foreign Powers within the United States; forbade persons, in like manner, from enlisting or causing others to enlist in the service of foreign Powers; from fitting out armed vessels within the United States to cruise, or issuing commissions therefor; from augmenting the force of an armed vessel within the United States belonging to a belligerent, in regard to whom the United States were neutral; from setting on foot military expeditions in the United States against friendly Powers; and further provided that a land and naval force of the United States might be employed to enforce the law, and also to compel the departure from ports of the United States of foreign armed

* To give a full view of this question, the Editors subjoin a copy of Mr. Secretary Monroe's letter, here referred to, which has not before been published:

DEPARTMENT OF STATE, *Jan.* 6, 1817.

SIR: Having communicated to you verbally the information asked for by your letter of the 1st instant, except so far as relates to the last inquiry it contains, I have now the honor to state, that the provisions necessary to make the laws effectual against fitting out armed vessels in our ports, for the purpose of hostile cruising, seem to be—

1st. That they should be laid under bond not to violate the treaties of the United States, or the obligations of the United States under the law of nations, in all cases where there is reason to suspect such a purpose on foot; including the cases of vessels taking on board arms and munitions of war, applicable to the equipment and armament of such vessels subsequent to their departure.

2d. To invest the collectors, or other revenue officers, where there are no collectors, with power to seize and detain vessels under circumstances indicating strong presumption of an intended breach of the laws; the detention not to take place until the order of the Executive, on a full representation of the facts had thereupon, can be obtained. The statute book contains analogous powers to this, above suggested. See particularly the 11th section of the act of Congress of April 25, 1808.

The existing laws do not go to this extent. They do not authorize the demand of security in any shape, or any interposition on the part of the magistracy as a preventive, where there is reason to suspect an intention to commit the offence. They rest upon the general footing of punishing the offence merely where, if there be full evidence of the actual perpetration of the crime, the party is handed over, after trial, to the penalty denounced.

JAMES MONROE.

Hon. JOHN FORSYTH,
Chairman Com. of Foreign Affairs.

† This letter it is also deemed proper by the Editors here to publish, because not before published:

DEPARTMENT OF STATE, *Jan.* 10, 1817.

SIR: In addition to the letter which I wrote to you on the 6th, in reply to the one which you wrote to me on the 1st instant, I have the honor to state that information has been received at this Department, from various sources, that vessels have been armed and equipped in our ports, for the purpose of cruising against the commerce of nations in amity with the United States, and no doubt is entertained that this information was, in some instances, correct. The owners of these vessels have, however, generally taken care so to conceal these armaments and equipments, and the object of them, as to render it extremely difficult, under existing circumstances, to prevent or punish this infraction of the law. It has been represented—

1st. That vessels belonging to citizens of the United States, or foreigners, have been armed and equipped in our ports, and have cleared out from our custom-houses as merchant vessels; and, after touching at other ports, have hoisted the flag of some of the belligerents, and cruised under it against the commerce of nations in amity with the United States.

2ndly. That in other instances other vessels, armed and equipped in our ports, have hoisted such flags after clearing out and getting to sea, and have, in like manner, cruised against the commerce of nations in amity with the United States, extending their depredations, in a few cases, to the property of citizens of the United States.

3dly. That, in other instances, foreign vessels have entered the ports of the United States, and, availing themselves of the privileges allowed by our laws, have, in various modes, augmented their armaments, with pretended commercial views—have taken on board citizens of the United States, as passengers, who, on their arrival at neutral ports, have assumed the character of officers and soldiers in the service of some of the parties in the contest now prevailing in our southern hemisphere.

Information, founded upon these representations, has, from time to time, been given to the attorneys and collectors of the respective districts in which the armaments are stated to have been made; but from the difficulty of obtaining the necessary evidence to establish facts on which the law would operate, few prosecutions have been instituted.

In reply to your second inquiry, I beg leave to refer to the communication from the Secretary of the Treasury to the Committee of Ways and Means, during the last session of Congress, in the case of the "American Eagle," and to the papers enclosed herewith.

J. MONROE.

Hon. JOHN FORSYTH.

vessels which ought not to remain there, &c. The act of 1797, amendatory to that act, Mr. F. went on to explain, prohibited citizens of the United States, without the limits thereof, from fitting out armed vessels to cruise against a friendly Power, &c. These laws were found to be defective, on examination, because they only applied the act of 1794 to certain acts "within the waters of the United States," the supplementary act of 1797 to acts of the same character "without the limits of the United States." But there was no provision in either to forbid a citizen from arming and equipping a vessel within the United States, and then selling it to a foreigner to be taken out of the United States and used contrary to law. In other words, the citizen and foreigner may do that conjointly which neither of them could separately do under the former laws.

To remedy that defect, the first section of the bill now before the House was framed, the amount of which was, that any person fitting out, or concerned in furnishing, fitting out, or arming any private vessel of war, or selling or contracting to sell any such vessel, with intent or previous knowledge that the said vessel is to be employed to cruise or to commit hostilities upon the subjects, citizens, or property of any State with whom the United States are at peace, such person shall be liable, on conviction, to a fine not exceeding ten thousand dollars, and imprisonment not exceeding ten years.

The second section of the act was to remedy another defect obvious to the committee, and which had been suggested by the Executive of the United States. The present laws were defective in not authorizing the interference of the Executive to prevent the commission of the offence, nor unless there was sufficient proof to justify punishment for commission of the offence. This was the reason of the second section of the act, calling on the owners of armed vessels to give security that they will not violate the neutral obligations of the United States. The committee had been induced to offer this general provision, in preference to authorizing collectors at their discretion to call on the owners of armed vessels to give bonds, for obvious reasons. Persons engaged in a fair commerce, where there could be no suspicion of an improper intention, would be at no loss in obtaining the security required; and, though they would be subjected to some little inconvenience, it was not such an objection as to prevent the adoption of an important general measure. And the provision was made general, further, because the committee were unwilling to throw on the collectors on the one hand the responsibility of making discriminations, and on the other were not willing to trust the collectors, &c., in all cases, because they were not always discreet, and, by the general provision, the effect of connivance or indiscretion on the part of any officer of the United States would be obviated.

But, inasmuch as it was obvious that the evil would not wholly be remedied, without some discretionary power being vested in the collectors, that discretion was given in the third section, to restrain from sailing any vessel in such condition as that, though not armed, they may be as soon as they leave the waters of the United States. That section authorizes the collector to detain such vessel until permission be given by the President of the United States for its proceeding to sea, or until the party enter into the obligations required of the owners of armed vessels by the second section of this bill. The fourth and last section of the bill forbade any foreign ship or vessel to be armed and equipped, or the force of any foreign armed ship or vessel to be increased or augmented, in the ports of the United States, under any pretence whatsoever.

Having thus explained the motives of the committee, and the provisions of the bill, Mr. F. submitted it to the pleasure of the House.

Mr. Root, of New York, said that, of the whole of this bill, though he was not partial to any part of it, the third section * was the most objectionable. He much doubted whether it did not violate the Constitution, certainly more than some nearly analogous provisions which had in former times excited gentlemen on the other side of the House, though he ought not now to call on one side or the other of the House, for it was impossible at this day to distinguish the sides of the House, except in relation to the four walls of the Representative chamber. The present was not an occasion, he said, sufficiently urgent to subject the citizen to inconvenience, and inflict on him sore injury, as proposed by some of the provisions of this bill.

But, what occasion, he demanded, was there for the passage of any law at all? It had been said that some vessels, laden with munitions of war, had been sent to our brethren in South America, which they may probably use in achieving their independence. This, said he, is the case: A Spanish Chevalier, representing the Government of Spain, has complained to our Government of these expeditions, requiring of it not only to punish violations of its neutrality, but also to administer preventive justice. It was extremely desirable, Mr. R. said, that the correspondence on this subject should be laid before the House, for it was said that the Spanish Minister had been aided in his requisitions by the Minister of a powerful Kingdom, and that therefore, to avoid a second or third Punic war, Congress must proceed to pass this bill. Now

* Sec. 3. *And be it further enacted*, That the collectors of the customs be, and they are hereby, respectively, authorized to detain any vessel bound from the United States, whenever the cargo on board shall principally consist of arms and munitions of war, and when, from the number of men shipped on board, or from any other circumstance, it is their opinion that there is an intention to violate the neutral obligations of the United States to foreign Governments, until the decision of the President be had thereupon, or until the owner enters into bond and security, such as is required of the owners of armed vessels by the second section of this act.

suppose the Minister of a nation in alliance with that Government, should undertake to insist on this Government doing any act having relation to Spain only—he should say that the Minister would have no right so to act, and that the Government was not bound to attend to it at all. A British Minister would have no right, if the strictest alliance subsisted between them, to demand of us to do an act having relation to Spain only. In the year 1794, when expeditions were on foot here, and the Minister of France was issuing commissions to our citizens, at the demand of the British Minister, the Government passed the law of 1794: afterwards, when Mr. Liston was here as the Minister from Great Britain, and every affection of the Government appeared to be wrapt up in the cause of Great Britain herself, at that time, Mr. R. said, the act of 1794 was amended, to the extent that the Representative of the British Court desired. What more then can they ask? said Mr. R. Do you suppose, if at that time the British Minister had not been satisfied with the law as passed, that Congress would have hesitated a moment to pass a law that would have been satisfactory? He believed not. That law, which before had been passed with limitation, had by the subsequent act been made perpetual, and was now the law of the land. Our laws then were, he contended, abundantly sufficient to satisfy the British Government itself. They are such, said he, as were thought sufficient by her, when she was at war with Republican France: when the affections of our people were ardent towards the cause of liberty in France, whilst the Government, in conjunction with the British Minister, was endeavoring to prejudice the people against her.

If Great Britain had been then satisfied with our statutory provisions on that subject, why should not Spain now be satisfied with them? Had not the officers of Government, under those laws, prosecuted and brought to conviction many of our citizens, for offending against the laws of neutrality? Yes; but, preventive justice must be established, because the offender cannot always be arrested after the commission of the offence, and this, too, at the demand of the Spanish Minister? Has Spain any right, said Mr. R., to make such a demand on us? Without referring to the acts of the Spanish Government prior to the declaration of war, there are causes enough to call on us to stay our hand before we go farther, on the present occasion, than the laws of nations require; before we pass this act of magnanimity. Is it called for by the spirits of the slaughtered crew of Commodore Porter, at Valparaiso? Or do the mingled ashes and bones at Fort Mims require it? The permission to our enemy to bring arms through her territory during the late war—does that call for it? Or is it demanded by the groans of Americans from the prisons of Havana? Neither of them, he was certain.

For his part, Mr. R. said, he was willing to treat belligerent nations according to the strict laws of neutrality, to give them what they have a right to demand. But he would go no further, especially in the case of this sort of war—a struggle of a people for freedom, against the tyranny of a bigotted Sovereign. What do these laws demand of us? Nothing more, in my judgment, said he, than that the Government shall not countenance violations of its neutrality by its citizens; that it shall punish offenders in this respect. But, what right has a belligerent to demand the passage of preventive laws; to demand a neutral nation to lay its citizens under bonds that they will not violate that neutrality? She has no right to demand it, and our refusal of such a demand can never be a cause of war between the two Powers. The belligerent has the power of confiscation, and the right of seizing goods contraband of war on the ocean; it has, itself, therefore, the power of punishing offences committed at sea; and our laws provide for the punishment of offences against neutrality committed in our waters. What more, he asked, could the belligerent demand? Why, it appears, we must lay our own people under bonds, that they will not violate our neutral obligations. If the principle was correct in itself, it might be applied to an unlimited extent. If the merchant might be compelled to give bonds for his peaceable demeanor, the yeomanry might, on the same principle, be compelled to give bond that they will not go on foot into the provinces of Spain? If the merchant is to give bonds that he will not carry on the surface of the ocean any goods contraband of war or soldiery, bonds may be required of our citizens, that they will not transport soldiery, powder and ball, by land. If this be admitted, then every citizen may be laid under bonds, that he will not go over to aid the Spanish patriots, in the achievement of the great cause they have undertaken. What would then be the consequence? Bonds will presently become too feeble, and restraints of stronger force will be applied. Would you, said he, call out an army sufficient to line the whole southwestern frontier, to prevent our citizens from going over? If the belligerent has a right to demand one inch of preventive justice, she has a right to demand it to be extended these two thousand miles. No, Mr. R. said, they had no right to demand it in any case.

There was no fear of war, Mr. R. said, if this bill should not pass into a law. Spain go to war with the United States! Would Great Britain assist her? She might, Mr. R. said, find her interest in herself exclusively assisting these people, in thus alienating their affections from the United States. Feeling this interest, if by negotiation, by any sort of management, she could attract to her the affections of these South American people, her object would be attained. But, if Great Britain were to engage in a war with the United States in behalf of Spain, on this account, she would alienate the affections of the South Americans forever, and throw the trade of that immense region wholly into the hands of the United States. There was no danger of Great Britain engaging in a war for this cause: she knows and consults her interest too much. If the Monarch of Spain should choose to engage

in a war with the United States, in consequence of a refusal to pass this bill, be it so. Rather than submit the United States to the degradation, to which the passage of this bill would expose us, Mr. R. said, he would receive the Ambassador, who had been waiting here for admission for months, from the five United Provinces of South America. A few months ago, said Mr. R. we were willing to encounter in war the most powerful nation on the earth—to take the British Lion by the beard. What are we called on to do now? To succumb and humble ourselves at the feet of the Spanish Jack. I cannot consent to it. Let the Chevalier speak proudly of the Castilian spirit of his nation—I object not to his doing so; but I am unwilling that the American nation shall be humbled before it. Mr. R. therefore moved to strike out the third section of the bill.

Mr. SMITH, of Maryland, said, that it appeared to him, from the observations of the gentleman from New York to-day, and from those which had yesterday been made on the subject, that the third section of the bill had not been completely understood. The third section did not forbid, nor at all restrain, our citizens from selling munitions of war to whomsoever they pleased. The object of that section was merely to carry into effect the second, which, without it, would be very easily eluded. A vessel pierced for guns, and capable in every respect of being a private vessel of war, manned completely, might, under existing laws, go to sea without any appearance of arms on her deck; (her armament of cannon being concealed beneath the deck,) and, the moment she was out of sight of the coast or clear of detection, take out her guns, evade the laws, and become at once a completely equipped armed vessel. By this bill, it was proposed to authorize the collector to examine any vessel going to sea, and see whether she had such an armament as would enable her, when she got to sea, to fit herself for war. If so, the collector was authorized to stop such until he could make report of her to the President of the United States, and receive his decision respecting her. If proper, she would be permitted to proceed to sea; if otherwise, she would and ought to be detained. The necessity for this provision, Mr. S. illustrated by examples familiar to his mercantile knowledge. The exportation of arms, in vessels not prepared to fight their way, was, he said, a simple business of commerce, and not affected at all by this bill; the only restraint upon it being the risk of capture for carrying contraband of war. Where then could be pointed out an injury to the honest merchant, as likely to flow from this third section? It could do no harm, on the one hand; but without it, on the other, the second section of the bill would be of no use. We, said Mr. S., who are engaged in the East India trade, must arm for defence against the picaroons that infest the islands along the coast of that country. To such vessels there will be an inconvenience in giving the bond required by the third section; but one must submit to the inconvenience, to prevent abuses by persons, who, for the sake of gain alone, implicate the Government in a conduct which must be reprobated by all considerate men.

Had such a law as this been in force, Mr. S. said, the collector of New York would not have had to pay a hundred and twenty thousand dollars for having stopped a vessel built and equipped in that port, from being delivered into the hands of one of the black Emperors. If your present laws on this subject are permitted to remain, said Mr. S., you must pass some act to enable your officers to execute them. The principle of the bill was not new, he said, having been adopted by successive Congresses. Why have laws that we cannot execute, and thus expose our officers to vexatious law-suits, and to the loss of money, a loss ultimately devolving on the United States?

The honorable gentleman last up, was mistaken in saying that this bill would prevent the supplying of munitions of war to men who were fighting for their liberty. This bill, Mr. S. said, provided only that the Government should not be implicated by the citizen in his enterprise. Arms might still be exported to any extent, but in the common way of merchants, not by force of arms, but by swift sailing. We are not authorized by the laws of nations, to arm and force a trade in munitions of war with one or two belligerents, in respect to both of whom we are neutral.

The honorable gentleman from New York has told us, said Mr. S., that out-of-doors information says, that the Spanish Minister, aided by the Minister of a powerful nation, had demanded of the United States to take the course now proposed. Out-of-doors information, said Mr. S., is often wrong, and I trust is not right on the present occasion. The committee took every means in their power to inform themselves on this subject, and nothing had appeared which could be interpreted into an interference of the British Minister on the subject. It would have ill become the British Government to pursue such a course. They carry on a trade in munitions of war to the Spanish patriots of Buenos Ayres, in the same manner as we do to other parts of the provinces; although, said Mr. S., I have never understood that they fit out privateers in their waters, and fight for the security of that trade. I believe, sir, the British Minister has not made the interference spoken of by the gentleman. I speak from my own information only; but, if such had been the case, it would have been the duty of the Secretary of State to have given information of it to your committee; and your committee, as well as this House, would have regarded it as a very impertinent interference. That no such thing had occurred, Mr. S. said he fully believed. If Great Britain should insist upon our doing an improper act in relation to Spain, the Executive of the country would know how to treat the interference. Neither this nation, nor the Executive, would bow to the mandate or call of any foreign nation to do what it thought improper; and no nation would make a demand of that sort but would get a proper answer from this Government.

Had Spain, the gentleman asked, any right to

require of us the passage of such a bill? Was it called for by the acts of that Government? She has a right to make a demand of us, said Mr. S., similar to that which we made of her, when she permitted French privateers to fit out in her ports and commit depredations on the commerce of the United States. We made a representation on the subject, and demanded of the Spanish Government that the practice should not continue, and that they should pay us for every depredation which had been so made on our commerce. What may the Spanish Minister demand in return? That you should not permit your citizens to fit out and man with your seamen vessels within the ports of the United States to depredate on her commerce? Are not the cases in point? What did Spain say in reply to our demand? She said yea; but she had not, it is well known, the means of then doing what she was willing to have done. She said, she could not help what had take place, but was not only willing to pay you for depredations by Spanish privateers, but by French privateers fitted out of Spanish ports. She was not able, but declared her willingness. When, Mr. S. said, we had subsequently made a treaty with Bonaparte, then First Consul, we released France from all demands on her as to depredations on the high seas, and the plunder that her people had made on our commerce. We gave it up for what was considered a *quid pro quo.* We were bound to guarantee the French West India islands, rather than continue which guarantee, Mr. S. said, we had agreed to give up our claims for depredations committed on our commerce prior to that treaty by France. When Spain then had heard that we had agreed to give up all claims for depredations committed by France, she argued, that she could no longer have claims on France for her depredations since we had released her, and that therefore she (Spain) was no longer bound to indemnify us. What had since been done on this question, Mr. S. said, he knew not; but he took it for granted, that our Government would persist in the demand, and never relinquish it.*

Was it not possible, that Spain would now prefer a claim for losses sustained from depredations on her commerce by vessels fitted out of our ports? Mr. S. said he was very much afraid she would, and was therefore desirous to arrest them, that the amount might not be further increased. I am not, said Mr. S., the apologist of any foreign Government. When they commit aggressions on us, when they violate our rights, it is the duty of our Government to resent and correct the proceeding. If the Spaniards at Valparaiso injured us, our Government knows how to make the demand for redress, and we know how to enforce it.

The gentleman from New York, who, Mr. S. said, was perhaps better acquainted with the laws of nations than him, seemed to think it was not the duty of the United States to stop a military force from marching from the territories of the United States against the Spanish provinces. That individuals might embark in foreign war consistently with the law of nations, no one could deny; it was done by foreigners in every war, for the purpose of acquiring military knowledge. But would it not be considered a violation of the laws of nations to permit the enlisting or enrolling men in our territories to fight on one side or other of the two belligerents? [Mr. ROOT explained that his observations applied to the adoption of *preventive* laws only, carried to too great an extent.]

The gentleman had said he was not afraid of a war with Spain. I believe, said Mr. S., there is no American afraid of a war with Spain. But the gentleman had gone into an argument to show that it would be to the interest of Great Britain to get hold of the affections of the people of South America, that she might shut us out from the trade. Wherever there is trade, said Mr. S., the industry, enterprise, and talents of the American merchant will enable him to find his way there, and to carry it on, on equal terms, with any nation on earth. I do not think, sir, that Great Britain would be extremely provoked, that it would make her entirely unhappy, that the Spanish provinces should become free; it is not impossible but she may aid them in accomplishing their object. If so, their trade will be open to all nations, and there is no fear but we shall have our chance at it.

Mr. S. concluded by saying he could see no injury that could result from the third section of the bill, and should therefore vote against striking it out.

Mr. WRIGHT, of Maryland, was in favor of the motion to strike out the third section of the bill. He contended that it was contrary to the letter and spirit of the Constitution to authorize seizures without a previous oath to sustain them. He denied the expediency of the whole bill. Had gentlemen forgotten the case of the bill to prohibit intercourse with St. Domingo, which some years ago unanimously passed this House, but was rejected by the almost unanimous vote of the Senate? This, he said, was, like that, a diplomatic question, to be settled by treaty; and, if it was necessary to have any provision of this sort, let it be established by treaty. Are we so anxious, he asked, after the favor of Spain at this time, that we will bind our merchants' hands fast, when the hands of Spain are not tied? He did really hope, he said, that this House would take care not to exercise their legislative functions in and over a diplomatic question. In regard to the St. Domingo question, the Senate had determined that to be a treaty question; and all the members of the House of Representatives who had heard the debate concurred in the correctness of that view of the question; one honorable and distinguished gentleman he referred to, now no more, (Mr. GRISWOLD,) had particularly expressed his convictions on the subject. Mr. W. said in this case he would, so far from going wider than necessary, go as near the wind as he could, to keep within the prescriptions of the law of nations. While there was an outstanding debt from Spain to us of immense amount, which she had on every pretext refused

to pay, and had besides practised upon us every art to favor France, first against us, and then Great Britain—it was now proposed, forsooth, that we should take part against our own citizens to please Spain! He was wholly averse to it. He moved that the Committee should rise to give gentleman an opportunity to examine, whether an act regulating the intercourse between two nations was a legislative or a diplomatic act. This bill, he said, was to restrain the enterprise of our own citizens in the cause of liberty; for he had never heard an intimation that these enterprises had been fitted out in favor of the Royalists. We owe Spain something for the aid received from her in our Revolution; but, Mr. W. said, he would not therefore calumniate and embarrass our merchants by enacting such provisions as were embraced in this bill. He would not, he said, bind over the American people on mere suspicion of their intention to violate the law in this respect; it was enough to punish them for it after conviction. Spain had stipulated to pay us for spoliations on our commerce by vessels from her ports; but she never did pay—and we could do as much as that, should she make similar demands on us. Mr. W. hoped we should not be in a hurry in this business, and that the Committee would rise.

The motion for the Committee to rise was not seconded, before

Mr. Grosvenor, from New York, rose. In the general view of this question, he said he hoped the time had gone by when, in considering what was the duty of this House, reference would be had to considerations not bearing on that point. The gentleman from New York seemed to lament that there were no longer two sides of this House. If it were so, Mr. G. said, he heartily rejoiced at it; and he believed, to a great extent, it was so, and hoped that it would never be otherwise, when questions like this were presented to the House. For, he said, it was simply a question, whether the United States would or would not compel its citizens to adhere to their duties as the people of a neutral nation. On this question, he said, there could be but one party, and but one sentiment. He here remarked on what, he said, was a curious argument. Why enforce these provisions in favor of Spain? it was asked. Has she not injured us? Do gentlemen recollect, said he, that when they countenance violations of neutrality, they in fact engage in the war? If we are to have war, let us boldly go into it, said he, and not sneak into it with our privateers from one port or another. If Spain have injured us, let us tell her and the world so, and appeal to the world and to the God of Battles. He protested against this mode of carrying on the war. What, Mr. G. said, was asked by this bill? The gentlemen from Georgia and Maryland had put it in its true shape. It did not touch the commerce of the country; it had nothing to do with it. It was a question touching the interference of the citizens of this nation in a war waged between two foreign Powers. The report of the Secretary of State had not been read; if it had, it would show (what was indeed notorious to the whole world) that we do now interfere in that war. The question was, whether Congress should adopt legal principles which would compel our citizens to adhere to that neutrality which is the policy of the nation. The gentleman last up had asked whether Spain would also adopt these principles? Mr. G. said, yes. This bill only proposed a mode of enforcing the observance of an established principle, for the maintenance of which every nation is responsible. The Government of Spain would compel its observance, by its citizens, in a shorter way; it would take off the heads of those who should attempt to violate it. Such a course this Government cannot, ought not, certainly to pursue. Every nation has its own way of executing principles, and we can only execute them in the way which is now proposed.

What, Mr. G. asked, was the objection to the 3d section, which it was now proposed to expunge? That the collector was to be authorized to detain vessels on suspicion, without a formal warrant. The same objection, Mr. G. said, would apply to all our revenue laws; and he never before heard any objection to seizure of vessels without warrant. He had heard objections to bringing these principles to operate on the land, in the bosom of society, by searches and seizures of houses, carriages, sleighs, &c., but he had never before heard the ordinary provisions of the revenue laws, analogous to this, objected to as contrary to the Constitution.

Mr. G. said he rose principally to notice a remark of the gentleman from Maryland, (Mr. Wright,) respecting the St. Domingo act. That act, the gentleman said, had been rejected by the Senate, because it embraced a diplomatic question. It might have been so argued; it was an odd objection, certainly, Mr. G. said, but there were other objections to it. That act, Mr. G. said—(for the gentlemen would recollect, that, though it was rejected by the Senate one year, it passed the very same Senate the next year)—was predicated on a demand of the French Emperor, that we should cease to have intercourse with St. Domingo, in order to enable him to compel his revolted subjects to submission. This, Mr. G. said, was a question totally different from that. Had the King of Spain; had any other creature except Bonaparte, ever made such a demand? Spain had not; he did not know that she had demanded anything, but, if she had demanded anything, it was that our citizens should not interfere in the war in which the nation is neutral. I know, said Mr. G., that this bill goes a great length; but, certainly without going it, we cannot cure the evil. I have had some acquaintance with this affair, and shall not err when I say, that whilst the whole mass of the nation is at peace, some of its cities are at open war. Congress might, he said, adopt the principle that they would not interfere; but, if they did, where it would end he did not know, and no one could say.

Mr. Sharp, of Kentucky, said, the question being on striking out the third section of the bill, on that question the merits of all the provisions

of the bill were incidentally brought into view. He agreed perfectly with the gentleman from New York, (Mr. GROSVENOR,) that we ought to do everything calculated to preserve a strict and impartial neutrality, so long as we are at peace with Spain; that our citizens should not be allowed to involve us in a war without the consent of the Government. If Spain has injured us, it is the duty of the Government to judge of the injury, and adopt the means for redresss. In a case like the present, said Mr. S., although the character of the nation and public law requires that we should prevent our citizens violating the neutrality we profess, yet, sir, I am not willing to go one single step further than that duty compels me. And my objection to this bill is, that it proposes to go farther. We are required by public law to prevent an hostile enterprise to be set on foot in our territory, to be directed against either of the belligerents by land or by sea; but, sir, we are not required to prohibit the sale or transportation of arms to either party, and, if they come for them, we have the right to supply them, and if we attempt to take munitions of war where they should be adjudged contraband of war, the only penalty is confiscation of the property; the party complaining has no right to inflict corporal punishment. The only remedy a belligerent has, where his adversary is supplied by a neutral with the means of war, is capture and confiscation; and we may leave him to that remedy if our citizens choose to engage in such commerce. Is it not obvious that this bill proposes to do more than national law requires of us as neutrals; and is not the operation of the measure as obviously unequal on the two parties? Old Spain may be supplied here with armed vessels and arms as well as the Colonies, who are contending for independence; but she can be supplied as conveniently, and perhaps more so, in Europe; she may build her vessels, and manufacture her arms at home; in either event she sustains little inconvenience from this measure, while the patriots of New Spain are most in need of the armed vessels, and the munitions of war, and have no other place at which they can be supplied so conveniently; our ports are contiguous, and afford them many facilities of obtaining arms and ammunition, articles they want above all others, and are not prepared to manufacture at home. This bill not only provides that our people shall not employ their armed vessels fitted out in our own ports against either party, but that they shall not sell them to any person who may. Nay, it goes farther; it gives a discretionary power to the collector to stop any vessel which, from her cargo being chiefly munitions of war, having an extraordinary number of men on board, or other circumstances, he may believe intends to violate our neutrality, and compel such vessel to give bond and security, in a very heavy penalty, that she shall not do so! Is it safe—is it wise to vest such a power in any subaltern officer of the Government? That he may have it in his power to stop, to harass the lawful commerce of our citizens, merely upon his belief of their intention; it is enough to punish acts where they are committed, and not in effect punish the intent; and that on the belief of a collector, from what circumstances he may think suspicious. I recollect, and no doubt other gentlemen recollect, that in the time of the late war a provision like this was proposed to prevent supplies of provisions and other articles going to our enemy in Canada, and some of the gentlemen who advocated this bill opposed the adoption of that, because it gave too unlimited a power to collectors; they would not allow it even in case of our own enemies; they now propose to adopt it for the benefit of Old Spain. Are we interested for the success of Spain in subjugating her colonies? Or are not the feelings of every gentleman on the opposite side of the question? Can we be the spectators of a struggle for liberty and independence by any portion of the human family, and feel indifferent as to the result? Let others feel as they may, I cannot, and will not disguise my feelings. My most fervent wish and desire is, liberty and self-government to Main and South America; their cause is one that must and ought to be interesting to us; they are contending against tyranny and superstition of the most gloomy and hateful character, and whether they are sufficiently informed to secure, as we have done, the blessings of civil and political liberty, is a question with some gentlemen; but, be that as it may, it is incontestable they cannot be cursed with a worse government than the one against which they are arrayed; and, at all events, they are entitled to the right of self-government, let their change of the form be what it may. Then, I say, shall we in such a contest, for such a cause, pass an act that shall give aid to their subjugation, or lessen their means of resistance? Mr. Chairman, I hope not. My best wishes are for the success of those patriots, in opposition to Spain; theirs is the cause of liberty; it is the cause of my heart. When the French revolution, at its commencement, gave hopes to the world of the emancipation of that nation; when the tyrants of Europe were combined in common cause against her success; was there seen an American who did not think the laws then enacted to preserve our neutrality, and to prevent enterprises being fitted out in favor of France, went far enough, and did not many believe they went too far? and yet those laws are in force and of a general nature, and can be applied to prevent any violations of neutrality by our citizens. But gentlemen wish to do more, and perhaps without such intention they are indirectly giving aid to Spain to subjugate an extensive portion of our Continent. Could this course be reconciled to our love of republican institutions? Or shall we despond for the rest of the world, because that blaze of freedom that for a moment illuminated France, has been quenched in blood, and she has again bowed her neck to the yoke; or should we not rather hope for the success of liberty in a new soil and country like our own, and at least do nothing to thwart its progress and establishment?

Mr. RANDOLPH, of Virginia said he had been

extremely surprised to hear the doctrines that had been advanced by the gentleman who had just now sat down. The gentleman talked about the obligations of neutrality; but his doctrine did not apply, Mr. R. said, to a portion of a nation in arms against another portion of it, until the revolted portion was acknowledged as free, sovereign, and independent. Let it be remembered, that this was not a war between Spain and another independent political association, because the independence of the colonies had never been acknowledged. But it was a civil war; a war of one portion of the Kingdom, against that portion in which the governing power resides—in which it is impossible to refuse to maintain that neutrality which it is our duty to maintain betwen the two belligerents, without being at once a party in the contest. Did gentlemen recollect, Mr. R. asked, the case between these colonies and Great Britain, and in what way France became a party to that war? In the same way the United States may and probably will become a party to the war between Spain and her colonies; by fitting out arms on colonial account from her ports, for the purpose of carrying on the war, public and private, against the mother country. In that way, he repeated, France had become a party to the war; in that way we might and probably should become a party to the present war. Now, said Mr. R., if we are prepared to take sides between Spain and her colonies, let us say so; but, if not, let us do those things incumbent on us, to prevent being drawn in on one side or the other. Mr. R. remarked on the fanciful theory of gentlemen, and a sort of visionary idea they appeared to have, of the struggle in question being one for the right of self-government, &c. When the people of Spain, from the rock of Gibraltar to the pass of Roncevalles, was in arms against the authority of the government established there by the French, there had not been, Mr. R. said, any of this feeling for a great and generous nation, asserting the right of self-government—nothing of the sort. On the contrary, the United States had preserved what they called a neutral attitude—a neutrality calculated, as far as our means went, to subserve the cause of one of the parties, he did not say which. If, said Mr. R., we are prepared to take part between Spain and her revolted colonies, let us say so, and act an open, manly, and generous part. But, for my share, I have had enough of revolutions, and I have had enough of war; and I cannot say, with an honorable member from Maryland before me, (Mr. Smith,) that I am not afraid of a Spanish war. I should be afraid of a war with the Sandwich Islands; I should be afraid of a war with the Cherokees or Creeks; I should be afraid of a war with anything, unless perchance with the barbarians of the Mediterranean coast of Africa. I am afraid of war; we have found the consequences of it; and, if we go to war with Spain, it is not for me or the gentleman from Maryland to say, when or on what terms we shall make peace with the allied Powers. I do not wish to make peace with them, said Mr. R., for the plain reason that I do not wish to make war with them. This bill had been called, and properly called, a bill for making peace between His Catholic Majesty and the town of Baltimore; and, Mr. R. said, he was willing to contribute all in his power to the restoration of peace between those high contracting parties. I have said (he continued) that I am tired of war; that I am sick of revolutions; I am tired of having the medicine of the physician substituted for my daily food; I am tired of having extreme cases made daily cases, not of exception but of practice.

The honorable gentleman from New York had said that he rejoiced that there was now but one side of the House. And, Mr. R. said, he rejoiced in it too; and nothing had more contributed to that state of things, than the conduct of a part of this House, to which the gentleman from Kentucky had adverted, about the Canadian supplies, and the conduct of certain districts of the United States, in relation to the late war—circumstances, he said, calculated to cover forever, with confusion and disgrace, those who were authors or partakers of them. Nothing had contributed so much to the unanimity of the late Presidential election, which was not owing so much to the confidence of the people in those elected, as to the paralysis of that opposition.

Mr. R. said he should not have troubled the House on this occasion, but for the allusion to the St. Domingo act, passed on the 28th day of February, 1806. You, sir, said Mr. R., (addressing the Chairman,) remember well that day—it was just at the close of a period, within which, after sitting for weeks in conclave, the policy of this country had taken a direction which has since governed the ship of State. The act referred to was passed at that memorable session when the politics of the United States assumed, in the eye of all those who know how to judge of events, a definitive direction as to the two great Powers of Europe. I voted for it, said Mr. R., after endeavoring, with our doors shut and with the doors open, to arrest that career, and expose that fatal policy which brought us to what we have seen, and what we now feel. And when I was asked why I voted for this famous St. Domingo act—an act which was said—it was so said; I speak in the impersonal—which was said to have been passed under terror of the displeasure of His Majesty the Emperor and King of France. Referring to the saying of Charles XII. respecting Riga, that God had given it to him, and the Devil should not take it away from him, Mr. R. applied it to the sceptre of Napoleon; which, whether or not the Devil gave it to him, we certainly know that the hand of God took from that oppressor—yes, that malefactor of mankind—that *hostis humani generis*. When he spoke of that man in this way, he said, it was with recollections of the date of this act, and not of his present condition. In his present condition, he would not triumph even over him; he looked upon his former elevation to have been the result of a timid acquiescence in what had been called public sentiment, in the Reign of Terror—when heads had been lopped off, and men tortured in every way

ingenuity could devise—all in obedience to public sentiment! when a few executioners, with the words "public sentiment" in their mouths, mangled and massacred whatever was valuable in that once noble country. Yes, he said, it was a noble country, and the country of a noble people. When, said he, (resuming the thread of his discourse) I was asked, on what grounds I should justify my vote, I answered, on none that had been assigned, and unquestionably not on some that were not assigned. I voted in favor of it, because I considered St. Domingo as an anomaly among the nations of the earth; and I considered it my duty, as an American politician—as an American statesman, if you will allow me to apply that observation to myself—as a Representative, above all, of the Southern portion of the United States, to leave nothing undone which could possibly give to the white population in that island an ascendency over the blacks; for, if ever anything called for a perpetual embargo on all intercourse, it was the state of that country.

I am tired of war, said Mr. R., but I do not therefore expect to escape it. Little does he know of the condition of mankind; little does he know of the signs of the times on the other side of the Atlantic or on this, who supposes the repose of the world is settled. The leaven is at work in Europe, perhaps more actively in England than in any other part of it, and the virus has been received here, that will produce a state of things very far from that settled repose which gentlemen seem to flatter themselves will follow the late convulsions in the civilized world. But, believing as he did, Mr. R. said he was willing to put it off to the latest day. He was attached to his own country. Let Jews, Turks, or Infidels, fight for their liberty or for their religion; he would have nothing to do with their liberty or their religion. He would not omit to do anything he could constitutionally do, to prevent being involved in a quarrel in the name of liberty and religion, when servitude, and superstition, the most dark and detestable that was ever known, was at the bottom of it. He would keep aloof from it.

Mr. R. said he could see no Constitutional objections to the bill; but if there was, he could almost agree to say, with some of the Constitution fanciers, away the parchment! to secure the passage of a bill to restrain any of our citizens who were sufficiently base, or, if gentlemen pleased, sufficiently enterprising, to engage in such expeditions as it was well known had been fitted out. Gentlemen say, observed Mr. R., that our enterprising citizens must go and fight the wars of the colonies with Spain. With all my heart. That they must go and attack her commerce. With all my heart, if they will not attack ours, nor involve their country in the war. Let Spain catch them when she can, and treat them as she has a right. There will be one advantage, certainly, in permitting this system of private depredation to continue; there would be less capital, less of this generous enterprising spirit left, to engage in another trade which we have already attempted to prohibit by law—that is, the infernal slave trade.

But the gentleman from Maryland had told the House that he knew well enough, wherever there was a trade, there Great Britain, and, not only her, but *New* Britain, would find the way. This, Mr. R. intimated, was exemplified in the trade to which the gentleman from Kentucky had adverted. The character of that trade, which had been practised for some years past too extensively, might be summed up in three words: it might be called, in short, supplying the Devil with brimstone.

Mr. SHARP said he was aware of the distinction taken by the gentleman from Virginia between a civil war and a war between two independent nations; but it was laid down by writers on the law of nations, that when a civil war assumed a regular shape, the laws of war should prevail in regard to prisoners of war, &c. If so, had not a neutral nation, by a stronger reason, a right to show them the hospitalities due to their situation? With respect to the law relative to St. Domingo, it was true that law did go further than our country was under an obligation to go, but for peculiar reasons, distinct from general rules. St. Domingo, Mr. S. said, was a revolted colony, its independence to this day unacknowledged by its former sovereign; yet we trade with St. Domingo—we go to her ports, she comes to ours. Where would the gentleman find a reason to distinguish between this case and that of the Spanish provinces? If, Mr. S. said, our feelings were enlisted in favor of Old Spain against these colonies, and we believed that self-government would be a curse to them, this bill might be a proper one to aid the mother government in subjugating the colonies. We may go thus far, said he: we have a Constitutional right to lay these restrictions. But, he insisted, on the rules which govern neutral nations in their conduct and commerce with belligerents, we are not bound to pass it, and that we ought not to pass it, because it would be unwise to do it. The gentleman had asked why the feelings of gentlemen were not as warm in behalf of the patriots of Spain in their struggle for self-government, as now for the South Americans. For my own feelings said Mr. S., I have no difficulty in expressing them. When the House of Spain had ground down the people, I felt no aversion to seeing any change which would improve their condition. The putting down of the inquisition, the abolition of monasteries, the reduction of the number of priests, he was glad to see. When the Spanish patriots collected the sense of the people, rallied around their standard, my feelings were interested in their favor more than they had previously been in favor of any effort of Bonaparte. I viewed him as a tyrant; but I cannot view without abhorrence the conduct of the rulers who succeeded on these efforts of a patriotic people—I cannot view, without horror, human nature in such a state of baseness, as to exhibit such ingratitude as has been shown. Mr. S. said he would never suffer himself to take any part to sustain the dominion of that Monarch.

And, when he saw such similarity in the struggle in which the people of South America were engaged, although not so much enlightened as our people were to the struggle of our Revolution, he most sincerely and heartily desired success to that enterprise which should give the right of self-government to any portion of this continent. For these reasons he should vote for striking out the third section of the bill.

Mr. Sheffey, of Virginia, said he understood it to be the policy of the Government of the United States, to observe a strict neutrality between the old country of Spain and her colonies in rebellion against her. If that was the determination of this country, it was the duty of the constituted authorities to carry that determination into effect, and not to manifest neutrality when, in fact, our citizens were taking part with one belligerent, and against the other. To prevent this, the provisions of this bill had been reported, which Mr. S. approved. What sort of sincerity do we exhibit, he asked, if we permit persons to fit out expeditions in our ports, and, after they had gone to sea, pretend to prosecute them when beyond the reach of our jurisdiction? The Government should not act at all, unless it acted effectually; to enable it to do which, the power proposed to be given by this bill was essential.

As to our feelings on the subject of the existing war, that, Mr. S. said, was wholly out of the question. If the Government, or the House, feel as the gentleman from Kentucky does, it becomes us to act a different course—to take a stand in support of those who are contending against the tyrant of the European country. All this display of feeling, Mr. S. said, might do honor to the heart, but, after the experience of past years, it certainly did no great honor to the head. After the failure of the great struggle on the old Continent, in favor of civil liberty in Europe, they must be sanguine indeed who anticipate its success in a population so much more ignorant and unenlightened. The slight dawning of liberty in France had been, he said, perhaps the greatest curse that human liberty ever had. No more favorable consequences are likely to result from the contest in South America. There will be strife and bloodshed of long duration, but which will settle down in a despotism perhaps more dark than has heretofore prevailed there. If a population like that of the Spanish provinces is to be emancipated, it will not be by revolution, but by receiving gradually the principles of civil liberty. And when gentlemen compared their struggle with that of the people of this country in the Revolution, they were widely mistaken. We, said he, were nurtured in the principles of civil liberty; the colonists were as free before the Revolution as we are at this time; we contended not for revolution, though it naturally ensued, but for the preservation of the rights of Englishmen. We were free, and we desired to remain so. The contest in South America, on the other hand, is a contest of slaves to become freemen, which cannot succeed by the exertions of physical force merely, but must be preceded by the gradual expansion of the human intellect, and the adaptation of the mind to the principles of free government.

It had been said that a war with Spain was not to be deprecated. In one point of view it might not. But in another, it was more to be deprecated than a war with any other country. We might succeed, even to the utmost wishes of the West, to possess ourselves of the contiguous Spanish territory. That was a consequence he should deprecate, Mr. S. said, more than any other. When that happens, our moral character is destroyed—our liberty is gone. In such success he saw greater evils than in any defeat. He dreaded it on the score of the moral character of the nation—on the score of that liberty which he hoped would be perpetual.

As to this question he had, he said, different feelings from some of the gentlemen who had spoken. Those persons who were engaged in this trade constituted perhaps a ten thousandth part of our population; and when he said they were not the most worthy part of the population, he thought he was not far mistaken. He would go, he said, to the farthest extent of the Constitutional powers to preserve the neutrality of the country, because he would not suffer a few worthless men, who have no home, no country, to sacrifice the peace of the nation. He would rather go a little further than propriety would warrant, if there must be an excess on one side or the other—by no means however countenancing excess in either way. Those concerned in these expeditions are not, the most of them at least, the worthy part of the community, and, such as they are, form but an inconsiderable portion of it. The consequences of the war, if war should be the consequence of neglecting to restrain them, must be borne by the honest and worthy part of the nation, and therefore he deprecated such a result.

The third section of the bill, he said, was a necessary corollary from the second. The third section was intended to give the Government power to prevent the intention of the act from being violated. It was justifiable on the same principles as, on land, authorizes the magistrate to bind the hands of a man attempting a violation of the peace, &c.

Mr. Robertson, of Louisiana, prefaced his observations by saying, that, in direct opposition to the gentleman from Virginia, he most cordially wished success to the people of South America, in the noble, virtuous, and patriotic cause in which they were engaged. But, he said, he should ever feel disposed to respect the neutral character of his country, and he hoped never to see it degraded in its own eyes, by permitting its citizens, with impunity, to violate that neutrality. He objected to the third section of the bill, nevertheless, because it gave to the officers of the Government a greater power over the citizens than they ought to have. He laid out of view the state of the contest between Spain and her colonies; he laid out of view all that had been said

about the demands of that nation, &c. He took up this question on its own merits. The House had official information that acts had been committed by our own citizens, which self-respect required us to put a stop to.

This, it appeared to him, would be sufficiently accomplished by the clauses of this act, without the third section, to which he objected, because it gave to the collectors an overwhelming power, viz: the power to seize any vessel, which, from any circumstances, they might suspect of an intention to violate the neutral obligations of the United States, without any proof whatever being required. It might be necessary, for defence against the privateers and pirates that swarm in every sea, that vessels should, at the present day, carry arms, and more than the ordinary number of men, and ought not therefore to be arrested in their voyage. The term "any other circumstance," in this kind of enactment, was too vague, Mr. R. said, to be permitted to go forth. The bill was not only too vague, as regarded the powers of the collector, but as to the objects to be attained—that the vessels thus seized may not violate the neutral obligations of the United States. And what, said Mr. R., are the neutral obligations of the United States? If a definite meaning had been assigned, the merchant would have been able to decide whether he had better give the enormous bonds required, or abandon his voyage altogether. But, as it now stood, it was vague; for, in regard to the obligations of neutrality, the merchant would search in vain in public law, on all disputed points, for a definite opinion, &c., and he might be subjected to ten years imprisonment for going a voyage heretofore deemed legitimate, because his duty as a citizen was so undefined that he could not himself discover it from public or municipal law. He objected to this section, also, on account of the inconvenience it would entail. At a distance from this place, said he, we, in Louisiana, could engage in no commerce, if the collector chooses to detain the vessels till permission is obtained from the President of the United States for them to sail; without which, to be sent for the distance of 1,500 miles, they must give bond in an enormous amount, &c.

And why all this restrictive severity? Was there anything novel in the situation of the world? Had there been any complaints from any foreign nation of violations of our neutrality? If so, let them be known. The Executive had complained, with reason, of certain acts which compromitted the neutrality of the United States. Mr. R. was willing to correct them, but not without other reasons than those which had been laid before the House, to give powers so enormous as those proposed.

It was found that in New Orleans the former laws had been sufficient to answer every purpose; and the great objection to them, he imagined, grew out of the same suggestion as had induced the House to alter the claims' law, viz., that the officers, under the eyes of the Government, had not done their duty. Here, within thirty or forty miles of the Executive, the House were told certain violations of our neutrality had been committed, and of such a nature as could not be restrained by the laws now in force. We are legislating on defects in the execution in the laws. If the law be efficient in New Orleans, it might certainly be made so anywhere else. Mr. R. said, he did not wish to permit the continuance of any acts which should move us from the tranquillity we now enjoy; but he did not think this third section at all necessary to the object in view.

Mr. SMITH, of Maryland, again spoke. In saying that he was not afraid of a war with Spain, he meant simply of the warlike consequences of such a contest; but not in the smallest degree designing to approbate a war. He deprecated it as much as the gentleman from Virginia; because, whenever we do go to war, he hoped it would be with justice completely on our side. He would, by no act of ours, implicate the nation in a war we could not defend before the world. He should deprecate a war, he said, with Spain, because it would deprive us of the best customer we have. We now supply Old Spain with great quantities of rice and cotton, and, since the war with her colonies, with tobacco; with flour to a great amount—150,000 barrels a year being exported to Havana alone—and with all the products of the country. She was one of the best customers we had, he said, because from her alone could we get specie in return. We enjoy a free trade with Cuba, and, by a late order, with Vera Cruz. He did not, therefore, desire a war with Spain, but he would not shrink from a war with her, if she gave us just cause for it.

Mr. S. went on to reply to the objections to this bill. He showed that, without this third section, the laws might be evaded; that the United States sustained great injury by the violation of this law, by the loss of her seamen, (as well as by violations of its neutrality,) of whom he spoke greatly within bounds, in saying that there were two thousand employed in these expeditions, and forever lost to the service of the country; thus raising the price of labor, and greatly injuring the fair commerce and navigating interest of the country, as he showed by plain and practical illustrations. The mere whim of the collector was not to be sufficient ground for requiring bonds; but, if he saw a vessel requiring twelve hands to work her taking a hundred on board, or equally suspicious circumstances, then he was to act, &c. As to the undefinable nature of "neutral obligations," Mr. S. said, the bond was not to be given in that form; but that said vessel shall not be employed in cruising, &c., against the vessels of any foreign Power at peace with the United States; in which there was no great hardship. Mr. S. repeated his explanation, that this bill would in no wise prevent the exportation of munitions of war, &c., if merchants chose to take that risk upon themselves. As to the execution of the law at New Orleans, Mr. S. said he would only state one fact, that a privateer, fitted out in that port, which had gone out refusing to pay its pilot, or to come to at the Balize, had taken two Spanish vessels

within the waters of the United States, coming up to New Orleans; thus violating the neutrality of the United States, and depriving New Orleans of the advantage of that commerce.

Mr. S. said, he did not know that Baltimore deserved all the character which the gentleman from Virginia had flatteringly ascribed to her. Her people were enterprising, it is true, and had some of them, perhaps, engaged in these expeditions, but they were also going on elsewhere, although more secretly than in Baltimore. The commissioner from the Spanish provinces, when he had come here, came with his pockets full of commissions, which had been given to all who would have them. To some these voyages had been profitable, though to others not so much so. A man, seeing a profitable business carried on by his neighbor, not checked by the Government, was apt to suppose that, in following his example, he was not acting against the wish of the Executive. They would have been convinced to the contrary, by the Executive Message on the subject, and he had no doubt would act accordingly.

Mr. Forsyth, in order to obviate some of the objections against the third section, moved so to amend it as to apply to vessels, only, "of which 'the cargo shall principally consist of arms and 'munitions of war, when the number of men ship-'ped on board, or other circumstances, shall ren-'der it probable that there is an intention to violate 'the neutral obligations of the United States."

Mr. F. referred to the provisions of former laws to show that there was nothing novel in this provision. In reply to the suggestion that the power proposed to be granted to collectors was too extensive, Mr. F. said, that Congress, acting at all on this subject, could only do one of two things: expressly forbid vessels going out of the United States without bonds, or else give a discretionary power to the collectors of the customs. The object of the provision objected to, was not to distress, but to benefit, the owners of ships—to prevent their being subject to unnecessary restrictions. It was not going so far as Congress went in the act of 1805, which Mr. F. quoted, and which required that no vessel, armed or provided with the means of being armed, should be allowed to go to sea without giving bond, &c. If any other provision than that reported by the committee would be effectual for the object in view, the committee had not discovered it.

Mr. F. congratulated the House on the view of this subject which had been taken by the gentleman from Louisiana. This was, he said, (as that gentleman had represented it,) a simple question of internal policy—whether we ought or ought not to carry into effect our own laws. The claims of Spain on our justice or honor, or the merits of the contest between her and her colonies, had nothing to do with it. We have laws already in existence (such as all civilized nations have) to restrain unauthorized military expeditions. The President, whose duty it was to execute these laws, had informed the House that the provisions of these laws were not sufficient. The simple question is, then, is the law defective, or not? If it is, the defect ought to be remedied. If the law be not defective, the defect is in the execution of the law, and the blame ought to rest on the President of the United States, for not causing it to be executed. But, Mr. F. said, if he understood the subject, the law was defective, and the defect ought to be remedied.

Mr. F. begged gentlemen to beware how they indulged their feelings on this subject, at the expense of the laws of their own country. It was no sufficient answer, when the law of the country was violated, that it was right, on account of a violation of the law of justice by any foreign Power. If this were allowed, the door would be open to every excess on every pretence. Laying out of this case the odious character which the Government of the United States would necessarily incur, if these things were permitted with impunity, and viewing this as a matter of simple internal regulation, the principle was already established in our laws; and the question was, whether the fault of the non-execution of the laws should rest on the President of the United States, or the legislative body. For his part, Mr. F. added, he was disposed to get rid of it.

After an unsuccessful motion by Mr. Robertson, to strike out of Mr. Forsyth's proposed amendment the words "or other circumstances," the question was taken on the amendment, and decided in the affirmative.

The question was then taken on striking out the third section, and decided in the negative—ayes 50, noes 90 or 100.

A motion was then made that the Committee of the Whole should rise, and report the bill as amended.

Mr. Clay, of Kentucky, (the Speaker,) availed himself of the only opportunity which remained to him, as it was proposed that the Committee should now rise and report the bill, to offer to its consideration a few observations. As long as the Government abstained from taking any part in the contest now carrying on in the Southern part of this Continent, it was unquestionably its duty to maintain a strict neutrality. On that point, there was and could be no difference of opinion. It ought not, however, to be overlooked, that the two parties stood at this Government on unequal ground. One of them had an accredited Minister here to watch over its interests, and to remonstrate against any acts of which it might complain; whilst the other, being wholly unrepresented, had no organ through which to communicate its grievances. This inequality of condition in the contending parties imposed upon us the duty of great circumspection and prudence in what we might do. The gentleman from Virginia (Mr. Randolph) had indeed contended, in reply to the gentleman from Kentucky, (Mr. Sharpe,) that the doctrine of neutrality had no application to the case, because one party was not recognised by this Government. But, Mr. C. said, whenever a war exists, whether between two independent States, or between parts of a common Empire, he knew of but two relations in which other Powers could stand towards the belligerents: the one was that

of neutrality, and the other, that of a belligerent. He hoped the gentleman from Virginia did not mean to contend (what would seem to be a consequence of his opinion) that we were a party to the war, and an ally of Old Spain against her colonies.

Being then in a state of neutrality respecting the contest, and bound to maintain it, the question was, whether the provisions of the bill were necessary to the performance of that duty. It will be recollected that we have an existing law directed against armaments, such as are described in the bill. That law was passed in 1794. It was intended to preserve our neutrality in the contest between France and her enemies. The circumstances under which it was passed must be yet fresh in our recollection. The French revolution had excited an universal enthusiasm in the cause of liberty. The flame reached this country, and spread with electric rapidity throughout the Continent. There was not a State, county, city, or village, exempted from it. An ardent disposition to enter into the conflict, on the side of France, was every where felt. General WASHINGTON thought it the interest of this country to remain neutral, and the law of 1794 was enacted to restrain our citizens from taking part in the contest. If that law had been effectual to preserve the neutrality of this country during the stormy period of the French revolution, we ought to pause before we assent to the adoption of new penalties and provisions. If the law did not reach the case, (which he understood to be doubtful, from some judicial decisions,) he was willing to legislate so far as to make it comprehend it. Further than that, as at present advised, he was not willing to go.

But the present bill not only went further, but, in his judgment, contained provisions not demanded of us by our neutral duties. It contained two principles not embraced by the law of 1794. The first was, the requisition of a bond from the owners of armed vessels, that persons to whom they might sell those vessels should not use them in the contest. The second was the power vested in the collectors to seize and detain, under certain circumstances, any such vessels. Now, with regard to the first provision, it was not deemed that an armed vessel may be lawfully sold by an American citizen to a foreign subject, other than a subject of Spain. But on what ground is it possible, then, to maintain that it is the duty of the American citizen to become responsible for the subsequent use which may be made of such vessel by the foreign subject? We are bound to take care that our own citizens do not violate our neutrality, but we are under no such obligation as it respects the subjects of foreign Powers. It is the business of those foreign Powers to guard the conduct of their own subjects. If it be true, as he had heard it asserted, that Fell's Point exhibits an activity in hostile preparation, not surpassed during the late war, we had enough to do with our own citizens. It was not incumbent upon us, as a neutral Power, to provide, after legal sale had been made of an armed vessel to a foreign subject, against an illegal use of the vessel.

With respect to the other provision, Mr. C. admitted that the Executive ought, perhaps, to be vested with the power of detaining vessels fitted out in our ports with the intent to be employed in the existing war. But he thought the provision went too far, in vesting any collector with such power, under any circumstances which might, in his judgment, amount to a suspicion of such intent. Abuse was too incidental to a power so vested. A vessel in the port of New Orleans, for example, really intended for a lawful voyage, but which unfortunately might incur the suspicion of the collector, was subject to detention until the pleasure of the President be known, unless the owner gave bond, which he might not have in his power to give, and which Mr. C. trusted he had shown our neutral duties did not enjoin us to demand. Before the pleasure of the President is communicated, although it may be favorable to the owner, the voyage is defeated, and the cargo, from the nature of the commodities of which it consists, and of the climate, perishes!

But, gentlemen have contended that this bill ought to be considered as intended merely to enforce our own laws—as a municipal regulation, having no relation to the war now existing. It was impossible to deceive ourselves, Mr. C. said, as to the true character of the measure. Bestow on it what denomination you please, disguise it as you may, it is a law, and will be understood by the whole world as a law, to discountenance any aid being given to the South American colonies in a state of revolution against the parent country. With respect to the nature of the struggle, Mr. C. had not now, for the first time, to express his opinion and his wishes. Another honorable gentleman from Virginia, (Mr. SHEFFEY,) had said the people of South America were incapable, from the ignorance and superstition which prevail among them, of achieving independence or enjoying liberty. And to what cause is that ignorance and superstition owing. Was it not to the vices of their Government; to the tyranny and oppression, hierarchical and political, under which they groaned? If Spain succeeded in rivetting their chains upon them would not that ignorance and superstition be perpetuated? In the event of that success, he feared the time never would arrive when the good wishes of the honorable gentleman from Virginia would be conciliated in behalf of that oppressed and suffering people. For his part, Mr. C. said, he wished their independence. It was the first step towards improving their condition. Let them have free government, if they be capable of enjoying it; but let them have, at all events, independence. Yes, from the inmost recess of my soul, I wish them independence. I may be accused of an imprudent utterance of my feelings on this occasion—I care not; when the independence, the happiness, the liberty of a whole people is at stake, and that people our neighbors, our brethren, occupying a portion of the same Continent, imitating our example and

participating of the same sympathies with ourselves, I will boldly avow my feelings and my wishes in their behalf, even at the hazard of such an imputation. The honorable gentleman from Maryland (Mr. SMITH) tells us that Spain is one of our best customers, that we trade with her colonies, send our flour to Cuba, our tobacco and rice to Old Spain, and obtain specie in return. How long, let me ask that honorable gentleman, should we be able to make these mercantile speculations (do they deserve to be taken into the account) after the colonies are subdued?

But, notwithstanding the feelings which he cherished on this subject, Mr. C. admitted that it became us not to exhibit the spectacle of a people at war and a Government at peace. We ought to perform our neutral duties, whilst we are neutral, without regard to the unredressed injuries inflicted upon us by Old Spain, on the one hand, or to the glorious object of the struggle of the South American patriots on the other. We ought to render strict justice, and no more. If the bill on the table were limited to that object he would vote for it. But he thought it went further—that it assumed duties which we were not bound to fulfil, and thinking so he could not in its present shape give to it his assent.

Mr. RANDOLPH followed Mr. CLAY.—He said, that that gentleman had, in the outset of his remarks, furnished an answer to his whole preceding argument, which, if not an abortion from its birth, was, the gentlemen would excuse him for saying, strictly *felo de se*. He had listened to the gentleman with that attention which he ever liked to pay to him. He had laid down two principles at the commencement of his argument utterly fatal to the whole superstructure: that it is our duty to preserve a strict neutrality in the existing contest; but that these colonies and this parent country—unnatural, said Mr. R., as I allow it to have been; I do not stand on this floor as the eulogist of Spain; I am no advocate of the doctrines or of the country of the Inquisition; I was bred a Whig and a Republican, and I shall die one—that these parties are on an unequal footing, for that one has a Minister to our Court—I may say Court, for we have all the essentials of a Court, and want nothing of it but the name—and the other is not in a situation to make any representation of her wrongs. Did not this settle the question, Mr. R. asked—did it not finish it? How came the latter party in such a situation? How came the revolutionists, these patriots, raise them, if gentlemen would, to the patriots of old—put them on a footing with Aristides or Thrasybulus—how came they in that relation to the mother country? In stating that fact, the gentleman had given up the position which commanded his whole argument: it was no longer tenable; there was a commanding ground above it. Mr. R. pursued this idea further, contending that it is because we are neutral to Spain, that we are also neutral as to her colonies, taking the view and color of our relation to Old Spain. Our Government did not entertain a Minister from the colonies—and why? Because it did not choose to acknowledge them; because the Government did not feel in this respect as the honorable gentleman felt, and therefore did not act as the honorable gentleman would, were it in his power. The House would recollect well, when the very individual who now stood here as the accredited Minister of Spain, was rejected by this Government when producing credentials from Spain "in revolution" against the Emperor of France, or rather against the puppet who had been placed by him on the throne of Castile and of Arragon. On the same grounds, Mr. R. presumed the Government now refused to receive a Minister from the colonies, because they were incapable of certain acts of a politial nature. And it was because the parties stood on this unequal footing, that the obligations to neutrality were of greater force on this country, &c.

Mr. R. said he agreed with the honorable gentleman entirely, that it was highly desirable to the whole commercial and civilized world that these colonies should be no longer shut up—no longer hermetically sealed to everything but an annual flotilla from Havana, or a galleon from Acapulco. But that was not now the question: but it was, whether a law should pass for the more complete execution of the laws of the United States. Mr. R. said he was one of those old-fashioned politicians who never had, and never would, act abstractedly—and, if there were no case requiring it, he would not encumber the statute book with this act. But the case has occurred, said he; we all know it, and it is not worth while to shut our eyes to the fact on which, indeed, we are legislating.

Mr. R. made several other remarks, amongst which were these. There was not, he said, any sentiment among the people at this time—and the expressions of opinion from all quarters of the House warranted him in saying it—to go to war with Spain. If there were such a disposition in his breast, he should unquestionably vote against this bill. But, in doing so, he should not bottom his vote on the injuries sustained by the United States from Spain, nor on spoliations committed by French vessels fitted out in Spanish ports—those which had been once a subject of discussion between us and Spain. Mr. R. said he thought, with the honorable Speaker, that the House ought not to enter into the question—for a reason assigned by the Speaker, and for another: that, that transaction, whenever sifted, would be found to have been highly disgraceful to all three of the parties, France, Spain, and the United States—and, although no keeper of the reputation of France or of Spain, he was not willing to have the whole facts spread before the world now, when they would be of no service, but would serve to degrade the American Government. This quarrel with Spain, he said, had been brought up and laid, as it suited the Government, at different times, &c., and intimated that it was not worth while to bring it into this discussion, for more reasons than because it did not enter into the question before the House.

Mr. GROSVENOR made a few remarks in reply

to a part of Mr. CLAY's remarks, wherein he denied the obligation imposed on the Government of the United States, by the laws of nations, to compel its citizens to give bonds that they will not violate its neutrality. If the laws of neutrality, which it was admitted the nation was bound to enforce, could not be executed in any other way, it certainly became the duty of the United States, Mr. G. argued, to adopt that course to which the Speaker had objected.

Mr. CLAY spoke in explanation, and Mr. RANDOLPH rejoined, each at some length.

Mr. WRIGHT made a few other remarks on the bill. He wished, he said, it could be traced to its source. He believed it would be found that it had its origin in treason and disaffection, and came from men whose devotion to kingly governments, and hostility to Republican principles, had induced them to oppose the American Revolution, and who would now rejoice to commit to conflagration that constellation of worthies (pointing to Colonel Trumbull's painting of the signature of the Declaration of Independence.) The acts of 1794 and 1797 went far enough for any necessary purpose, and he, therefore, hoped this bill would be rejected altogether.

The Committee then rose, and reported the bill to the House.

SATURDAY, January 25.

Mr. CLENDENNIN presented a petition of Elisha Whittlesey, praying that eighteen thousand acres of land, lying at or near the mouth of Carrying river, on Lake Erie, may be granted to him and his associates, upon their completing a good and sufficient canal from the mouth of said river into Sandusky bay on said lake.—Referred to the Committee on Roads and Canals.

Mr. LOWNDES, from the Committee of Ways and means, to which were referred the petitions of Ezekiel Williams, John Heard, John M. Hendricks, Edwin Spafford, and Archibald Hayes, Ephraim Jones, and John Full, reported a bill authorizing the Secretary of the Treasury to remit the duties therein mentioned; which was read twice, and committed to the Committee of the Whole on the bill supplementary to an act providing for the relief of persons imprisoned for debts due to the United States.

Mr. LOWNDES, from the same committee, reported a bill respecting the assessment and collection of the direct tax; which was read twice, and committed to the Committee of the Whole on the bill making provision for the redemption of the public debt.

Mr. LOWNDES also reported a bill authorizing the deposite of the papers of foreign vessels with the Consul or their respective nations; which was read twice, and committed to the Committee of the Whole last mentioned.

Mr. ROBERTSON, from the Committee on the Public Lands, to which were referred the resolutions of the Legislature of the Territory of Missouri and the resolutions of the 11th and 19th ultimo, made a report thereon, which was read; when, Mr. R. reported a bill making provision for the establishment of additional land offices, in the Territory of Missouri, and for the final adjustment of claims to town and village lots therein; which was read twice, and committed to a Committee of the Whole.

Mr. ROBERTSON, from the same committee, to which was referred the bill from the Senate, "for the relief of William Edwards," reported the same without amendment, and the bill was committed to the Committee of the Whole last appointed.

Mr. INGHAM, from the Committee on the Post Office and Post Roads, made a report on the petition of the American Bible Society; which was read, and ordered to lie on the table.

Mr. FORSYTH, from the Committee on Foreign Affairs, reported a bill to amend the acts for the government and regulation of seamen in the merchant service, and for the relief of distressed and destitute American seamen in foreign ports; which was read twice, and committed to the Committee of the whole House on the bill concerning the navigation of the United States.

Ordered, That the Committee on Foreign Affairs, be discharged from a further consideration of the petitions of the merchants of Norfolk, Newburyport, and Alexandria, and that leave be given to withdraw the same.

Mr. BATEMAN, from the Committee on Roads and Canals, reported a bill to regulate the laying out and making a road from the Ohio river, opposite where the Cumberland road strikes that river, to the State of Indiana; which was read twice, and committed to a Committee of the Whole.

Mr. CALHOUN, from the committee to which was referred the resolution from the Senate, to employ John Trumbull to compose and execute certain paintings, reported the same without amendment; and the resolution was committed to a Committee of the whole House.

Mr. WRIGHT submitted the following resolution, which was read, considered, and rejected by the House:

Resolved, That a committee be appointed to inquire into the expediency of relieving such citizens as have had their property destroyed, or so occupied by the enemy, as to render the same unprofitable, so far at least as relates to their taxes, or such other relief as they may think proper, and to devise such means of obtaining correct information, so that the public may be secured from imposition, and the real sufferers relieved.

BILL FOR ENFORCING NEUTRALITY.

The House having gone through the amendments reported to the bill by the Committee of the Whole—and the question being stated on ordering the bill to be engrossed for a third reading,

Mr. PARRIS moved to strike out the third section.

This motion was zealously opposed by Mr. FORSYTH, who contended that in regard to any effect contemplated from the bill on the cause of

the South America patriots, the rejection of the bill would not benefit, nor its passage injure that cause. For the success of the patriots, he professed the best wishes; but their cause had nothing at all to do with this question. Those, he said, who espoused that cause so warmly on this occasion, ought to lay a proposition to that effect on the table, and let it be fairly discussed; but the honor and good faith of this country would not permit its laws to be evaded and its neutrality violated by interested individuals without an attempt to put a stop to it.

Mr. Parris supported this motion with much earnestness. He saw no necessity for the passage of the bill, and he was averse to throwing unnecessary obstacles in the way of the patriots of the South, whose success had the warmest wishes of his soul.

Mr. Ward, of Massachusetts, spoke in favor of the bill. He argued that it was necessary to restrain illegal practices which, if indulged, would involve us ultimately in a war with Spain, which, if it occurred, would end, no one could tell where, and possibly, if not probably, would lead to a war with other nations.

Mr. Jewett thought the third section might be amended, but he would vote for it as it was, rather than destroy the vital principle of a measure so important to the character of this country as the proposed bill, which he advocated as a measure necessary to the preservation of good faith among nations, which should never be compromitted to indulge private feelings or temporary gratifications; and that no nation was more interested in strictly abstaining from interference in the administration of other Governments, and of observing rigidly the maxim of doing unto others as we would wish them to do to us.

Mr. Calhoun expressed, in common with other gentlemen, his good wishes of the cause of the South American colonies against the mother country; but that such wishes would never influence him to permit a violation of our neutral obligations. The provision under discussion, however, he thought pushed the restrictions further than those obligations required—that he looked on armed vessels as much articles of trade as munitions of war, and he was unwilling to make our citizens answerable for the conduct of those who purchased their vessels. All that could be done, and what appeared necessary, was to require bond of the purchaser that he would not violate the neutrality of this country—further he could not go in legislating on the subject. He alluded to the nature of the contest existing in the Spanish provinces, acknowledged that its analogy to our own situation in '76 enlisted our sympathies—but all that could be expected of us by the patriots was, that we, being neutral, should do nothing to weaken their efforts or injure their cause.

Mr. Randolph again spoke in support of the bill. He condemned the policy of following the example of European countries, in winking at practices which they pretend to prohibit, and in favor, so long as we professed neutrality, of acting in good faith, and compelling our citizens strictly to conform to the neutral obligations of the country.

Mr. Hopkinson said that the late debate on the compensation law had so exhausted the spirit of the House, that the present bill was received yesterday with coldness and indifference. He was glad, however, to find that the House began to be awakened to the importance of the subject under discussion, one of the most important that had ever come before the House, and the decision of which deeply concerned the honor and safety of the nation. The subject, Mr. H. said, had intrinsic difficulties. Whenever the peace of the nation requires the rights of the citizens to be restrained, the difficulty which arises is to strike that point which will attain the object with as little inconvenience as possible to the citizen. That point must in some degree be a matter of opinion—though, in restrictive measures, no country had more experience than our own. Mr. H. adverted to the former restrictive policy of the Government, and the discontent which had been encountered by the various acts to enforce it, and into the success of which it was now unnecessary to inquire. Another difficulty, Mr. H. said, presented itself in this case, that every regulation adopted would operate, as the sun shines, on the just as well as the unjust, on those who wish not to infringe the laws as on those who do. What, said he, is incumbent on a wise Legislature in such a case? To produce the desired effect by all means bearing a fair proportion to the object to be attained, and within their legitimate authority. By the bill before you, what, Mr. H. asked, is the result presented to the judgment of the House? The evil complained of is not denied; a crying sin threatens to bring upon us disgrace and the horrors of war, if the Government do not exert all its powers to prevent it. He did not wish to be understood that foreign nations had a right to require of us impossibilities; but a foreign nation had a right to require us, professing to be neutral, to prevent our citizens from embarking in a quarrel between her and her colonies: the quarrel now alluded to was between Spain and her colonies; on that point he found no difference of opinion. In the present case, however desirous for the success of the colonies gentlemen had expressed themselves, he found none, speaking in their legislative, official capacity, who doubted the country ought to lay its hand on its citizens and prevent them from aiding either party in the contest. All agree as to what foreign Governments have a right to demand of us; the difficulty is about the means by which we shall perform this duty. Mr. H. said he would say nothing of the nature of this struggle; he would neither call them patriots nor rebels; he knew them only as two parties at war, and what was or had been the connexion between them, formed no part of this question. There was in the law of nations no difference between our duty in this case and in a war between any other belligerents; he considered it precisely as he should a war between Spain and

Portugal, Spain and England, or any other two Powers, and our duty required that we should observe a strict neutrality between them, to wait the result, and take up the conqueror as the legitimate authority. Of the contest referred to, Mr. H. said, from all he had seen, it appeared more like a war between rival chiefs, to serve private views, and promising no great or general good. In no such war, nor in any war, would he consent to embark, unless he saw advantages sufficient to justify it; for that, he should always wait for information from his own Government, and so long as the Government said we must be neutral, he would not listen to who were the parties at war. In this case, Mr. H. said, gentlemen ought to consider themselves acting for a neutral country; and if it be our policy to embark in the war, let it be done legally and fairly, and not secretly and piratically.

The next question to be considered, Mr. H. said, was, what was deemed by the law of nations a violation of neutrality? A neutral citizen had a right, he said, to trade with a belligerent in arms and munitions of war, if he chooses to run the hazard of being captured; the belligerent had been satisfied with the right of confiscating the contraband property going to his enemy, if taken, and had never looked for any further remedy. But the difference between trading in munitions of war and furnishing armed vessels had been always admitted by every code of national law; and the difference, Mr. H. said, was perfectly distinct, well known and established; because, in the latter case, as soon as you permit your citizens to assist with armed ships, you take part in the war, and add an important force to the means of the other party. To permit this, therefore, Mr. H. contended, was unneutral conduct, and ought to be prohibited. To justify the bill, he then adverted to the public manner in which this illegal trade had been carried on in some of our ports, in which every preparation on board had been made, and everything done to give vessels a belligerent character, but to raise the flag to the mast-head; and whilst we tolerate such violations of public faith, said Mr. H., will not every nation cry out against us? Or can we, he said, denounce the piracies of Algiers and Tripoli, while buccaneers beat up for recruits in the streets of our cities, and the plunder of piracy is publicly sold in the market? A private armed ship even in time of war was at best but of doubtful character; but one which sails not in the service of its own country was to all intents and purposes a pirate. While, then, said Mr. H., we insist on other nations respecting our own rights, let us not set them a different example, and add infamy to the dangerous example. The plea of weakness in the complaining party was no argument, he said, to influence a just and moral nation in its acts. If Spain were as weak as an infant, and we as strong as Hercules, it would not justify the slightest departure from justice, because, aside from our moral duty, the time might come when the example would recoil upon ourselves.

But we have been told, said Mr. H., that the provisions of this bill are not called for by the law of nations, that national law does not require us to place our citizens under bonds for their good conduct. The law of nations, said he, enjoins us to keep our citizens within a strict neutrality; how to do it is a question between you and the citizen, in which the foreign nation does not interfere. If in 1794 this duty was fulfilled by the law then passed, it was enough; but if in 1816, the observance of our neutral obligations requires that bonds shall be given by the citizen, it must be done; the whole community must not be endangered by the acts of a few citizens; the community is bound to prevent it, and whatever means are necessary for the preservation of the whole, must be sustained by a part. In adopting these means, said Mr. H., it is only necessary to inquire whether they exceed the legitimate exercise of the authority of the Government; if they do not, and are necessary to the peace of the country, it is a sufficient justification of them. It had been said that bonds were oppressive, and were not imposed in similar cases by other nations. Mr. H. affirmed that they were not only imposed by other nations, but had been resorted to by our own, in cases far less important. At the period he referred to, the danger now urged, of placing so much power in the hands of the officers of the customs, was not objected to, though the power then was much more dangerous and oppressive. That time, however, had gone by, Mr. H. said; he had forgotten it, and he meant not to revive unpleasant feelings, by bringing it now into view. But, said he, must you prevent the commission of the offence, or wait until the act be committed, when punishment is beyond your reach? Take the case of common life, he said; if a man is seen pursuing his business, not in an ordinary way, but in a manner to give ground of suspicion that he is about to commit an illegal act, is he not arrested and measures taken to prevent the mischief apprehended? Here, said Mr. H., in the ports of a country in profound peace—no enemy known—a citizen is preparing a vessel of war, and carrying out a number of men, greatly beyond what are necessary for the purpose of navigation. Can it be supposed such a citizen is pursuing a lawful traffic? Would not this be sufficient to say to him, Sir, circumstances warrant me in the belief that you mean to violate the law; but, if an innocent man, the security you must give will not injure you? We know that if a man lay before a magistrate, on oath, just grounds to suspect harm, personal or otherwise, the officer is bound to require bond for the observance of the peace. The party accused could not say, whom have I injured?—When I injure any one, it will then be time enough to punish me. No, it is the policy of every nation rather to endeaver to prevent than punish offences.

Mr. H. recited the provisions of the bill, to show that there was no hardship in the means proposed to prevent citizens from pursuing a conduct which might lead the nation into war.

When an armed ship, under present circumstances, sailed out, he thought there was good reason to presume she was not sent to seek a market, but that she was bargained for, and had the purchaser fully ascertained, and that her destination is to embark in the war; indeed, said Mr. H., she goes not out with the intention merely to embark in it, but takes a part in the quarrel from the moment of her departure. He thought if the sale of armed vessels was fair at sea, it was equally so in port; for a foreigner might come into port, purchase the materials, and have such vessels built as would answer the purposes of war. The argument, that the sale of armed vessels was legal, would, Mr. H. said, carry its advocates further than they were aware, and justify a foreigner in making warlike preparations in our ports with impunity. He contended that, though a citizen might sell his lumber, &c., to whomsoever he pleased, it was fair to inquire whether it was for unlawful purposes, with a knowledge of its improper use; and whether, in exercising this right of sale, he was not injuring others. I think, said Mr. H., when vessels are seen going out equipped even to the powder horn, they can only be supposed going to engage in hostilities.

Mr. H. adverted to the argument of the armament necessary to vessels in the India trade, to which he replied that it was not now common, and was only necessary to defend them against the pirates of the Asiatic seas. The India vessels, therefore, generally took their armament in the hold, to be prepared for defence when they approached the scene of danger, and, on getting beyond the fear of danger, generally returned their arms to the hold again; and they also carried out comparatively but few men. In support of these facts, Mr. H. mentioned the case of the Montesquieu, captured by some British boats in the Delaware, during the late war, while coming home, ignorant of hostilities. In that case, it was charged as a fault to the captain, that he did not use his arms in his defence and avoid capture; but it appeared this arming was merely nominal, for the vessel referred to had not a gun on board fit for use.

Mr. H. avowed himself opposed to giving large power of discretion to subordinate officers—we had had enough of it—but, under the provisions of this bill, the cases provided for are required to be of so suspicious a character that he thought there was little danger of mistake, and that the officer would be very careful not to seize the vessel without good grounds, &c., being on his own responsibility. Mr. H. stated the characteristics required by the bill to justify the officer to proceed; the difference in the number of men, and other appearances, necessary to authorize a seizure, and that the cases contemplated by the bill were such as to leave no doubt on the mind, and which, if not overlooked by the Government, would make it a party in the fraudulent procedure.

The law of 1794, Mr. H. said, instead of providing guards to prevent the offence, only punished the act when committed; in this bill the reverse is the case. It was a strange lot for him, he said, to exhort gentlemen to have some confidence in their Executive. He tells us as plainly, said Mr. H., as he can, that the laws now in force are insufficient—if sufficient, why did he not send his instructions to the collectors and district attorneys to enforce them; why send it here for amendment? If my Executive, said Mr. H., knowing, as he must, everything on the subject, the complaints of foreign Courts, and the weakness of the law, recommend to me this measure, it is sufficient for me to believe it is necessary; but, in addition to this, his own knowledge of the law and the practice under it, proved to him that it was insufficient, and he hoped something would be done conclusively on the subject. This he hoped, not in obedience to any foreign Power, but in obedience to justice and our own laws, and to preserve the peace of the country. That the evil exists; that these degrading and dangerous practices are carried on, almost openly, in defiance of the existing law, is satisfactory evidence that the existing law is not sufficient to prevent or restrain them.

Mr. Calhoun said the question was, whether the bill did or did not go further than necessary, to prevent our citizens from taking part in the war between Spain and her colonies. In reply to an argument by Mr. Hopkinson, he said, he still thought to sell vessels to either of the belligerents, was no violation of neutrality, and that a trade in arms and munitions, or in vessels, stood on the same footing. Spain herself purchased vessels at Havana, for the public service, and she could not object to an act in others, which she had done herself. Mr. C. entered somewhat at large into the question of the legality of permitting the sale of vessels to either belligerent party, after their departure from the United States, and in his opinion, the trade being legal, he argued that the third section went further than necessary, in fulfilment of our obligations, by making the builder, or the seller of the vessel, liable for conduct of the purchaser. To sell armed vessels in our own ports to a belligerent, he acknowledged would be illegal, but maintained that they might be transferred after their departure beyond the jurisdiction of the country. The third section would, he thought, operate oppressively, inasmuch as it made the vendor in our ports, responsible for the illegal conduct of the party purchasing, and, in that way, throw burdens on commerce not necessary, and injurious. If this provision were demanded by the neutral duties of the country, it ought certainly to be resorted to, he said, but not otherwise; but he thought it ought not to extend its penalties further than to the conduct of the first purchaser. The experience and superiority of our ship builders, gave to their work a value which made it more sought after, and he thought the policy of the country required that the profession should be restrained as little as possible. The law of '94 had contemplated a war between two independent Powers, not one between a mother country and its colonies; and if the defect of that law could not preserve our neutral character in the war now existing in the

South, he was willing to adopt a remedy, but he would not go so far as to prohibit the sale of vessels, while the encouragement of ship building was so important an object to the country. To show the hardships which might arise from holding the seller responsible for the conduct of the purchasers of a vessel, Mr. C. supposed the case of a vessel which, being engaged in the North-west or China trade, should become unfit to return home, and be sold, and afterwards converted to purposes prohibited by the bill in its present shape—to make the first seller of this vessel responsible for the conduct of the purchasers, would be an act of oppression he could not consent to. He was willing to adopt additional restraints, because the Executive had asked for them, but he did not believe any regulations could entirely prohibit the trade proposed to be suppressed.

Mr. WRIGHT again rose in opposition to the bill, and in favor of expunging the third section. He said he felt it to be his duty to oppose the bill as interfering with the treaty-making power, and legislating on a diplomatic subject; and here let me (said Mr. W.) call the attention of the House to the treaty now subsisting between the United States and Spain. The article relative to articles contraband of war, subjects the ship and cargo, violating the article, to capture and condemnation; and the article relative to fitting out armed vessels to cruise against the commerce of either party, subjects such vessels to capture and condemnation, and the crews of such vessels to be punished as pirates, unless they have a legal commission from the Power under whose flag they sail. Thus, sir, by the treaty, the condemnation of the vessel and cargo is authorized, and the execution, on a gibbet, of the offenders as pirates; so that the *ultimum supplicium* is in each case provided by the treaty. But if this law passes, it will bind the American citizen in a new article not known to the treaty, not providing that Spain will be liable to a like obligation. We have no right to bind Spain but by treaty; and I had always supposed that treaties were international acts, simultaneously taking place, and giving to every article a *quid pro quo;* which cannot be effected by a statute. And, sir, have we any reason to favor Old Spain by such a measure, in violation of the rights of the patriots? Shall the rights of sixteen millions of Spaniards, equally entitled to our partiality with Old Spain, be thus violated? They have declared themselves independent, and are in the exercise of self-government, which is said to be republican; and if we examine their standing, they will be found the older branch of the French Government, having been in operation before Ferdinand was restored to his Crown. Sir, I hope the noble example set by the Kings of France and Spain during our glorious struggle for independence, will have its weight on this House, and that the representatives of Kings will be satisfied with our neutrality, when their predecessors advocated and aided us in obtaining our independence; and that they will surcease their little complaints, and recollect that it is beneath the dignity of Kings to regard such trifles. They, sir, as the Spanish agents of the Crown, as well as the agents of the patriots, have, no doubt, sent ships and munitions of war to their respective armies; and it very little becomes a Minister who has been violating our neutrality by sending supplies to the royal army, at the same time to complain against the supplies, by their friends, sent to the patriots. Can it be, that this Republican Congress can, by any representation, be led to violate the neutral state of the United States towards the patriots? Have we forgot the treaty entered into between Spain and the United States, in eighteen hundred and two, and her agreement to pay for her spoliations on our commerce? And need I tell this House that, in violation of her own compact, she refused to ratify the same? whereby the spoliations of that long date remain unremunerated; and we are, notwithstanding, now called on to extend to her benefits not secured to her by treaty, and which we cannot, by statute, impose on her. I do not recollect, when she was committing her unremunerated spoliations on our commerce, in violation of our treaty, that she, by any law of Spain, bound her merchants in the manner contemplated by this bill; and I cannot decide which I ought most to reprobate—her temerity in asking it, or our humiliation in granting such a provision. Sir, do not the proceedings in Baltimore and New Orleans sufficiently attest the intention of the Government of the United States to carry into effect the provisions of the existing treaty? No case has been found in Baltimore, in violation of the treaty; and in New Orleans the cases stated by the District Attorney of the many condemnations there, show that prompt and ample justice has been administered. Sir, did not the contracting parties, at the confirmation of their treaty, understandingly act on the subject, and make the provisions of the treaty as they wished them? And if now, at the instance of either party, new obligations are to be laid on the other, without their being reciprocal, they shall be so laid against my vote, though I have no objection to the treaty-making power reviewing that subject, and making such new provisions as may be thought mutually convenient and reciprocally obligatory.

Mr. LOWNDES thought no one could read the act of 1794, without believing that something further was necessary, to preserve the character of the country for a just regard to its obligations. There could not, in adopting this measure, be any appearance of unfairness on our part, and whatever was the character of the contest referred to, it was the obvious policy of this country to make its citizens conform to all the duties due from the nation to a foreign country. Mr. L. confessed, that he hardly cared whether the third section of the bill passed or not. There was some fear that this section would only limit the influence of the Executive authority, without producing the anticipated benefit. Under the existing law, the collector had been sued, it was well known, for enforcing its provisions, and damages awarded against him; and Mr. L. supposed the present bill was intended to justify the collector in mak-

ing a seizure, when reasonable ground—her having arms, &c. on board—warranted the suspicion of illegal intentions. The use of the section was clear, and his only objection was, that a part of a cargo might consist of munitions of war, in which case a vessel fitted out for the purpose, might take only sufficient on the first voyage to exempt her from detention, and in this way defeat the intention of the law. He had, Mr. L. said, no objections to the bill, because the committee had inquired into the subject, and after full consideration, had deemed it necessary; only, as he said before, the probable effect of the third section would be to limit, rather than extend the discretion of the collector. The law of '94, applying only to the case of war between two independent States, it ought, no doubt, to be extended to comprehend the contest referred to between Spain and her colonies, and not, when prosecutions are carried up to court for breaches of the law, deny that redress we profess to give. It appeared to him, by some inadvertence, however, Mr. L. said, the committee had not gone far enough in amending the act of '94—if it be amended so as to apply to Governments not acknowledged to be independent, &c. He could not concur with Mr. Calhoun, in considering the ordinary munitions of war, and of armed vessels, equally as legitimate articles of trade with belligerent parties; the distinction Mr. L. thought was manifest. A nation has a right to carry on a trade in the munitions of war, although in such trade the property of the neutral is liable to capture and confiscation; but if the munitions of war are carried in a vessel and by a crew equipped for war, the indication of an intention, which is thus given, not merely to carry on the trade, but to force it, makes it prudent for a nation which wishes to avoid war or even the pecuniary responsibility which may arise from acts of hostility by its citizens, to require in this case, and not in common instances of contraband, a security that the vessel shall not be employed in acts of hostility. If the trade in vessels be proper at all, it ought certainly, Mr. L. thought, to be confined to unarmed vessels, and whenever an armed vessel sailed out, it was a duty incumbent on the neutral to take security, that such powerful means, in the hands of an individual, should not be abused. It would be found that this course of conduct was admitted at least into all books on moral duty, if those called codes of national law did not require it. In time of peace, the application of this rule to those who fairly come under it, cannot be omitted from the fear that it will operate on those to whom it is not expected to apply. If there appear to the collector to be good reason to presume the design of a vessel injurious to the country, there is no hardship in making the individual give bond; and if on going on board, there be a rational ground to believe that she will return home, still she may leave a large majority of her crew abroad, exposed to the temptation of taking part in the war on one side or the other; and the security in either case is proper.

Mr. Robertson thought the operation of the third section would prohibit the exportation of munitions in vessels unarmed as well as armed; as the discretion vested in the collector would permit him to detain, until bond was given, any vessel which he might deem about to carry aid to one of the belligerent parties. This restraint on a fair commerce, Mr. R. did not think required by existing circumstances. He argued, also, that the Government had no right to restrain the departure of armed vessels, as the people possessed the right of equipping vessels, and could not be called on by the Government to give security for them.

At this point the House adjourned.

Monday, January 27.

Mr. Yancey from the Committee of Claims, made a report on the petition of Alexander Holmes and Benjamin Hough, which was read; when Mr. T. reported a bill for the relief of Alexander Holmes and Benjamin Hough; which was read twice, and committed to the Committee of the Whole on the bill for the relief of Caze and Richaud.

Mr. Yancey also made a report on the petition of William Chism; which was read; when Mr. T. reported a bill for the relief of William Chism; which was read twice and committed to the Committee of the whole House last mentioned.

A Message was received from the President of the United States, transmitting copies of ratified treaties between the United States and several Indian tribes; which was referred to the Committee of Ways and Means.

Mr. Goldsborough submitted the following resolution; which was read and ordered to lie on the table:

Resolved, That the Committee of Commerce and Manufactures be instructed to inquire into the expediency of establishing a port of entry at the town of Princess Anne, in Somerset county, in the State of Maryland.

A message from the Senate informed the House that the Senate have passed a bill entitled, "An act authorizing the settlement of the accounts of Flavil Sabin, deceased," in which they ask the concurrence of this House.

Mr. Alexander made a report on the petition of Joseph J. Green; which was read; when, Mr. A. reported a bill for the relief of Joseph J. Green; which was read twice and committed to the Committee of the Whole last mentioned.

CALEB NICHOLS.

Mr. Alexander, from the Committee on Claims, made a report on the petition of Caleb Nichols; which was read; when Mr. A. reported a bill for the relief of Caleb Nichols; which was read twice, and committed to the Committee of the Whole on the bill for the relief of Caze and Richaud.—The report is as follows:

That, in the month of September, in the year 1814, the village of Plattsburg was invaded and taken possession of by the British forces, then under the command of Sir George Prevost, and that they remained

in possession thereof for several days; that Plattsburg is within cannon-shot of Fort Moreau; and that the commanding officer of that fort, under the orders of the commanding General of the American army then at that place, did order the artillery from the fort to play upon the houses near the court-house in Plattsburg, for the purpose of dislodging the enemy; and that a firing was accordingly kept up from the fort for several days, between the 5th and 12th of September, 1814.

The petitioner states that his store and office stood immediately under the guns of the fort (Moreau,) and were fired upon from the 6th to the 11th of September, 1814; and that a cannon ball from the fort passed through a puncheon of St. Croix spirits, which then stood in the store, containing about one hundred gallons, which, in his estimation, was worth $250, and which was all lost. He asks relief from Congress in the premises generally.

There is no evidence whatever before the committee of the loss of the spirits as stated by the petitioner; but the committee are perfectly satisfied that the store and another house of the petitioner, both standing near the court-house, were materially injured by cold shot fired from the fort. They therefore report a bill for his relief.

GEORGIA MILITIA.

Mr. TELFAIR, from the committee appointed on the petition of Jonas Fauche, who were instructed by resolution of the House to inquire into the claims of certain detachments of the militia of Georgia, for services performed during the year 1793 and 1794, by order of the Executive of that State, under a discretionary power communicated by the War Department, made a detailed report on the said claims; which was read; when Mr. T. reported a bill to authorize the payment of certain militia claims of the State of Georgia; which was read twice and committed to a Committee of the Whole.—The report is as follows:

That the first object which suggested itself for inquiry was, Whether the Governor of Georgia had indeed been vested with a discretionary power to call out any portion of the militia of that State to serve at the expense of the Union? And though, in answer to their inquiry, they learned that all the correspondence relating to this point on the files of the War Department had been consumed, still, from the documents accompanying the report to this House from that Department, dated 3d February, 1803, they are satisfied that such a power was communicated to the Governor by a letter from the Secretary of War, bearing date 27th October, 1792, in which he says: "If the information which you may receive shall substantiate clearly any hostile designs of the Creeks against the frontiers of Georgia, you will be pleased to take the most effectual measures for the defence thereof as may be in your power, and which the occasion may require;" that this power was not finally withdrawn until a letter was received from the Secretary, of the 19th July, 1793, though it had been suspended for the short period of ten days, viz: from the 30th of May to the 10th June; that the letter of the 30th of May, which limited the Governor to the employment of one hundred horse and one hundred foot, was written in consequence of an impression at the Seat of the General Government that our Indian affairs had assumed a more pacific aspect, but was countermanded, and the discretionary power restored by that of the 10th June, in consequence of information in the interim received of the State of Georgia being invaded, or in imminent danger thereof, which induced the Secretary to say: "The measure taken by your Excellency may be considered as indispensable. You are the judge of the degree of danger, and of its duration, and will, undoubtedly, proportion the defence to the exigencies."

Hence arose a second inquiry: Whether the Governor had exercised the powers vested in him with a due degree of caution, by adapting the means to the end, by proportioning the force to the degree of danger to which the State was exposed? This investigation was so embarrassed by the multitude of considerations involved, by the remoteness of the period, and by other combination of circumstances, that your committee cannot pretend to have arrived at any satisfactory result, and, indeed, it is doubtful if any rule could be prescribed by which the force to be employed shall be so graduated by the danger impending as to make concurrent the estimates of those immediately exposed with others remote from the scene of aggression; hence, if a discretionary power is given to the Executive of a State to employ the militia at the expense of the General Government, that excess should indeed be great which deprives the soldier of his hard-earned pay. And when it is recollected that the then frontiers of Georgia were upwards of four hundred miles; that it was thinly inhabited; that it was bordered by a most warlike tribe of Indians, arrayed in deadly hostility, your committee cannot object to the force employed, even if that amount were twelve hundred men, which is the maximum of force stated to have been in service at any one period during the year 1793. The committee, then, are of opinion that the Governor of Georgia was vested with a discretionary power to call out such force as the exigencies might seem to him to require; and they have not found any just or reasonable objection to the extent of force employed; consequently, they believe the United States bound to discharge the expenses incurred, because in them are reposed the duties and attributes of defence.

The only remaining question to which the inquiry of the committee has been directed, was, How long a time after the receipt of the letter of the 19th of July should be allowed to effect a disbandment of troops employed? And here they are left again without any certain lights or satisfactory data other that the opinions of Colonel Freeman, who then acted as agent of the War Department, and General Dearborn, who made report to Congress upon these claims; both of whom seem to concur in opinion that the extent of country over which they were spread could not admit of an earlier disbandment than the 1st of September, 1793, if, indeed, so soon. The committee further coincide in opinion with the Secretary, just cited, that less injustice would result from an admission of the claims up to the end of the year 1793, than would arise from the rejection of those of the last three months. They therefore recommend the adoption of a bill appropriating $95,971 23, in payment of those claims for militia service in the State of Georgia, for which pay and muster-rolls have been received up to the end of the year 1793.

CAPTIVES BY THE INDIANS.

Mr. COMSTOCK rose to offer a resolution. He said he had sometimes been called upon, in the discharge of professional obligation, to probe those wounds, and to cause them to bleed afresh, which

were partially healed. It was now his painful duty to advert to transactions, which exhibited the human character in an amiable and honorable aspect, and in vile and horrid deformity. The history of the battle of the river Raisin, said he, fought under the command of the brave but unfortunate Gen. Winchester, has been read by this House and this nation, with too much interest and sensibility to have been forgotten. It discloses events which incessantly awaken our sympathy and regret for the unhappy fate of many of our beloved fellow-citizens, and which excite our abhorrence and detestation of the base and perfidious conduct of General Proctor, who commanded the combined force of British and Indians, with which our troops had to contend on that memorable occasion. Yes, Mr. Speaker, the names of Allen, Hart, Graves, and Simpson, with many of their virtuous companions in arms, will live in the esteem and affection of mankind, and their catastrophe be deplored, whilst the name of Proctor, branded with eternal infamy, will only survive to be the scorn and derision of the world. Far be it from me, sir, to cherish a sentiment of unforgiving hostility towards any of those British officers or soldiers who have waged the recent contest against us, with a due regard to the principles and usages of civilized warfare. Among these, sir, doubtless were many examples of brave, humane, and honorable men. But surely the generous Briton must blush and feel humiliated at the recollection, that the same country which gave birth to a Sidney, a Russell, a Chatham, and a Howard, should also have produced a Proctor. Whilst the heart sickens over the consideration of his murderous malignity, it is torn with anguish from the remembrance of its direful consequences. It is known, sir, that in January, 1813, Frenchtown and its contiguous settlements were menaced by a savage foe. The inhabitants manifested their fearful apprehensions, and solicited from our army aid and protection. General Winchester, with a force of about seven hundred and fifty men, chiefly volunteers from the State of Kentucky, among whom were many of her most favorite sons, promptly repaired to this quarter, to defend the inhabitants from that promiscuous carnage in which this species of enemy usually indulge. That, on the 22d day of the month, above 1,000 British and Indians, the latter headed by Roundhead and Splitlog, and all under the command of General Proctor, attacked this Spartan band. They successfully repelled, for a considerable time, the furious assaults of the enemy, and nobly sustained the honor of the country in the unequal conflict. But, sir, the most wise and gallant efforts, whilst they challenge our admiration, are not always crowned with success.

Terrors and fair promises were held out by General Proctor to our troops. They were told by him that, in case they did not surrender, he could not be responsible for the conduct of the Indians, and that Frenchtown would be burned. They were, moreover, promised by him, that, if they would surrender, they should not be murdered; that they should not be rifled of their private effects, and that the officers should have their side arms returned, and, under these delusive promises, they did surrender; and with what faith these engagements were regarded is too well known. Here we have an awful manifestation of the deplorable ruins of the fall, and another distressing proof of the wretched depravity of man. The surviving prisoners were put under the charge of Indians, to be marched to Malden. But few ever arrived at the place of destination; many were wantonly massacred on the way, and others carried off by the Indians, and made the degraded objects of an abominable traffic.

The houses containing the sick and wounded were burned, and the rights of sepulture, from an affected fear of offending the Indians, were refused to our slaughtered citizens. This last act of friendship and of duty was, however, performed to some, in the face of every peril, by the humane inhabitants of this ill-fated region. I have said, sir, that many of our captive citizens were made the degraded objects of an abominable traffic. Yes, sir, Americans, our brethren, rendered dear to us by a thousand sacred ties, were publicly hawked about the roads and streets, to gratify the cupidity, or afford the means of indulging the beastly appetites of their savage masters. In view of the complicated misery our troops were suffering, and would continue to endure in barbarian captivity, the citizens in and about Detroit, obeying the voice of humanity, and the dictates of benevolent feelings, purchased numbers of them from the Indians. Some of the inhabitants who engaged in this laudable work, are, I understand, in limited circumstances, and stand in need of being remunerated for these expenditures. The ladies, ever pre-eminent in acts of kindness and charity, displayed the distinguishing perfections of their character upon this mournful occasion. They cheerfully parted with their personal ornaments, and with many articles of clothing, to redeem from the most deplorable slavery their brave but unfortunate defenders. In thus purchasing redemption, sir, for our captives, the inhabitants anticipated the Government in the discharge of an imperious duty, which it certainly would have performed. Sound policy, which is always founded in justice, demands that the Government should indemnify the class of citizens of which I have spoken. It cannot wish them longer to sustain those losses, which ought to be borne by the nation. It is proper to mention, sir, upon this subject, what I am informed has lately been ascertained, that even at this moment one of our citizens, taken prisoner at the river Raisin, is held in cruel bondage by an Indian in the upper province of Canada.

Sir, I cannot suppress the effusions of my sensibility, when I reflect on the various and aggravated evils which those of certain portions of our frontier have suffered in the course of the late war. Legislate as far as you can, with a view to their alleviation, and they will have eventually sustained its calamities in an undue proportion, with those of the interior. Under these impressions, sir, I indulge a hope that the resolution may

be adopted, and that the important subject it involves may be prosecuted to an honorable and beneficial result.

Mr. C. then moved the following resolution:

"*Resolved*, That the Military Committee be instructed to inquire into the expediency of making provision, by law, to remunerate those who, in the late war, redeemed (by purchase) our captive officers and soldiers from the Indians, and of making such provision as may be deemed expedient, to redeem those now in captivity."

Mr. HARRISON said, he hoped this resolution would be adopted, and the latter clause particularly, on account of information of an important character which had come to his knowledge. He had learned, he said, from a respectable source, that a citizen of ours was at this moment held in captivity by an Indian in the city of Quebec, the capital of the province of Lower Canada, where the Governor General of all the possessions of His Britannic Majesty in Canada resides. Mr. H. said he had been in doubt whether to give credit to a tale so improbable, as that a citizen of the United States, whom the British Government was bound by treaty to release and deliver up, should yet be retained in captivity. He had to read again and again, the letter he had received from a lawyer of high standing in Lexington, who had assured him he was well acquainted with the person who had given him the information, that a certain man by the name of Fant, or Fants, a drummer in Captain Hart's company, (whom Gen. H. said he well remembered,) was hired out in Quebec by an Indian, for the benefit of his pocket. It was impossible that the circumstance should exist, and the fact should not before this have reached the ears of British officers there. He hoped the resolution would be adopted, and that the President of the United States would take proper measures to represent that circumstance in its proper light to the British Government.

The resolution was adopted without debate or opposition.

REVOLUTIONARY HISTORY.

The resolution from the Senate to authorize the President of the United States to employ Colonel John Trumbull to compose and execute four paintings of the principal events of the Revolutionary contest, (to be placed in the Capitol,) was taken up, and ordered to be read a third time, without opposition.

The resolution was accordingly read a third time, and, on the question of its passage, a debate arose, interesting, amusing, and instructive. The general features of the debate must suffice.

The object of the resolution was opposed by Messrs. FORSYTH, ROSS, ROBERTSON, TAYLOR of New York, and HARDIN; and advocated by Messrs. CALHOUN, WRIGHT, HOPKINSON, HARRISON, RANDOLPH, H. NELSON, and GROSVENOR.

The talents of the artist were acknowledged on all hands, and the excellence of those paintings, exhibited as the models from which the large paintings are to be taken, was generally admitted. But, in opposition to the resolution a variety of arguments were urged by different gentlemen, such as, that it was questionable how far it was just or proper for the Government of the United States to become the patron of the fine arts; that, if it were to do so, no such expense ought to be authorized until the faith of the Government was redeemed by the fulfilment of all its pecuniary obligations, nor until every debt was paid arising out of the war of the Revolution, or of the late war; that a nation, like individuals, should be just before it was generous; that the subjects of the paintings not being particularized, they might not be such as Congress would approve; that to authorize these paintings, for the decoration of the Capitol, before it was known whether they could be properly displayed there, would be, to act like the Vicar of Wakefield's family, who were grouped in a picture so large, that, when it was brought home, the house would not hold it; that, generally, in the countries where they had been brought to the highest perfection, paintings and statuary, in commemoration of liberty and of great events, had no perceptible effect in preserving the liberty and independence of those nations; and the rights and liberties of this nation depended on no such paltry considerations as these.

In reply to which it was argued, that it was not proposed by this resolve to make the Government the patron of the fine arts, otherwise than it had already been in employing artists to rebuild and embellish the Capitol; that the expense would be small comparatively with expenses incurred in decorations of infinitely less importance, and small indeed compared with the magnitude of the object; that the Government had performed its obligations as far as it could, had paid its debts, had been just, and might therefore be generous, since generosity and justice were not incompatible; that the moral effect of these paintings would be, independent of their intrinsic worth, of great value to the present and future generations, serving to recall to the attention of future legislators the events and principles of the Revolution, and to impel them to an imitation of the virtues of the men of those days; that the time now was, which once passed away could never be regained, when a living artist of great ability, and a compatriot of the Revolutionary sages and heroes, could transmit accurate likenesses of them to posterity, &c.

Mr. TAYLOR, of New York, moved to postpone the consideration of the resolution.—Negatived.

Mr. TAYLOR, of New York, then moved to recommit the resolution, with instructions to report a limitation to the expenditure of money for this object. This motion was also negatived.

The question on the passage of the resolution, was, after a long debate, decided in the affirmative—yeas 114, nays 50, as follows:

YEAS—Messrs. Adams, Atherton, Baer, Baker, Bassett, Bateman, Baylies, Betts, Birdsall, Birdseye, Boss, Bradbury, Breckenridge, Brown, Bryan, Cady, Calhoun, Carr of Massachusetts, Champion, Chappell, Cilley, Clark of New York, Clarke of North Carolina,

Clayton, Condict, Conner, Cooper, Creighton, Crocheron, Culpeper, Darlington, Davenport, Dickens, Edwards, Fletcher, Forney, Gaston, Gold, Goldsborough, Grosvenor, Hale, Hammond, Harrison, Henderson, Herbert, Hopkinson, Huger, Hungerford, Ingham, Irving of New York, Jackson, Johnson of Kentucky, Kent, Kerr of Virginia, King, Langdon, Law, Lewis, Love, Lovett, Lowndes, Marsh, Mason, Middleton, Miller, Mills, Milnor, Moffitt, Moore, Moseley, J. Nelson, Hugh Nelson, T. M. Nelson, Newton, Noyes, Peter, Pickering, Pitkin, Pleasants, Powell, Randolph, Reed, Reynolds, Rice, Root, Ruggles, Savage, Schenck, Sharp, Sheffey, Smith of Pennsylvania, Smith of Maryland, Stearns, Strong, Stuart, Sturges, Taggart, Tallmadge, Tate, Taylor of South Carolina, Telfair, Thomas, Tyler, Vose, Ward of Massachusetts, Wendover, Wheaton, Wilcox, Wilde, Wilkin, Willoughby, T. Wilson, Wright, and Yates.

Nays—Messrs. Adgate, Alexander, Archer, Avery, Barbour, Bennett, Blount, Brooks, Burwell, Caldwell, Cannon, Clendennin, Comstock, Cook, Crawford, Desha, Forsyth, Goodwyn, Griffin, Hahn, Hardin, Heister, Hendricks, Hooks, Johnson of Virginia, Little, Lyle, Lyon, W. P. Maclay, W. Maclay, McCoy, McKee, McLean, Murfree, Parris, Piper, Roane, Robertson, Ross, Smith of Virginia, Southard, Taul, Taylor of New York, Wallace, Ward of New Jersey, Whiteside, Williams, W. Wilson, Woodward, and Yancey.

So the resolution was passed.

BILL FOR ENFORCING NEUTRALITY.

The House resumed the consideration of the bill more effectually to restrain our citizens from enterprises against nations in amity with the United States—the question still being on striking out the third section of the bill.

Mr. Root delivered a speech of considerable length in favor of the motion, and expressed his views of the question very much at large. Not only this bill proposed to go too far, but the acts already existing, he contended, went too far. He avowed, in the strongest terms, his disposition to recognise the independence of the Spanish provinces, and hoped the Government would acknowledge their Minister, Mr. Thompson, &c. He denounced the provisions of the third section, as not only tyrannical but unnecessary, in the strongest terms. If our citizens did commit acts of hostility against Spain, our Government had only to disavow any agency in the acts, and there would be a fair offset to the affair of the Firebrand; for, in such matters, in diplomatic etiquette, it seemed, the word of one nation must be taken for the fact by another. He was not only opposed to this bill entirely, but he wished to God he could rend from the statute book the act of 1797, which he considered as infringing the spirit of the Constitution, &c.

Mr. Barbour, after an argument at length to prove that the Government ought not to extend its inhibitions to the citizens and subjects of another State who might purchase vessels from our citizens, and that so to do was not necessary to the most sincere disposition to carry into effect our neutral obligations, moved an amendment to the third section, calculated to reconcile it to his view in this respect; which, after a few remarks in reply by Mr. Forsyth, was agreed to.

The question was then taken on striking out the third section of the bill, which is as follows:

Sec. 3. *And be it further enacted*, That the collectors of the customs be, and they are hereby, respectively authorized and directed to detain any vessel bound from the United States, of which the cargo shall principally consist of arms and munitions of war, when the number of men shipped on board or other circumstances shall render it probable that there is an intention to violate the neutral obligations of the United States, to foreign Governments, until the decision of the President be had thereupon, or until the owner enters into bond and security to the collector prior to clearing out the same, in double the amount of the vessel and cargo on board, including her armament, that the said ship or vessel shall not be employed by the owner or owners in cruising or committing hostilities upon the subjects, citizens, or property, of any Prince or State, with whom the United States are at peace.

And on the question—"Shall this section be stricken out?" it was determined in the negative—yeas 37, nays 98, as follows:

Yeas—Messrs. Birdsall, Blount, Brooks, Caldwell, Cannon, Carr of Massachusetts, Clark of New York, Clarke of North Carolina, Clayton, Comstock, Condict, Conner, Cook, Desha, Gold, Hammond, Hooks, Ingham, Johnson of Virginia, Kerr of Virginia, Lyle, Lyon, Parris, Robertson, Root, Ross, Savage, Schenck, Sharp, Wallace, Wendover, Whiteside, Wilkin, Willoughby, Wright, Yancey, and Yates.

Nays—Messrs. Adams, Archer, Atherton, Baer, Barbour, Bassett, Bateman, Baylies, Bennett, Betts, Boss, Bradbury, Breckenridge, Brown, Burwell, Cady, Calhoun, Champion, Chappell, Cilley, Clendennin, Creighton, Crocheron, Culpeper, Darlington, Davenport, Dickens, Edwards, Fletcher, Forsyth, Gaston, Goldsborough, Goodwyn, Grosvenor, Hahn, Hale, Hall, Hardin, Harrison, Heister, Hendricks, Herbert, Hopkinson, Huger, Hungerford, Irving of New York, Johnson of Kentucky, King, Langdon, Law, Lewis, Little, Lowndes, William Maclay, William P. Maclay, Marsh, McCoy, McKee, McLean, Middleton, Miller, Mills, Milnor, Moffitt, Moore, Moseley, Jeremiah Nelson, Hugh Nelson, Thomas M. Nelson, Newton, Noyes, Peter, Pickens, Pickering, Pitkin, Piper, Pleasants, Reed, Rice, Roane, Ruggles, Sheffey, Smith of Pennsylvania, Smith of Maryland, Smith of Virginia, Strong, Taylor of New York, Telfair, Townsend, Tyler, Vose, Ward of Massachusetts, Ward of New Jersey, Wilcox, Wilde, Williams, William Wilson, and Woodward.

A motion was made by Mr. Forsyth, to amend the second section of the bill, by striking out of the seventh line, the word "either" and from the word "owners" in the same line, to the word "in" in the ninth line, conforming the condition of the bond required by that section, to that required by the third section amended as aforesaid.

And then the House adjourned.

Tuesday, January 28.

Mr. Edwards presented a petition of Lavinia Hawkins, widow of Benjamin Hawkins, late agent for Indian affairs in the Creek nation,

praying for a confirmation of the grant of the lands granted by the said Creek Indians to the said Benjamin Hawkins, his wife and children, at the treaty concluded with them by General Jackson on the 9th of August, 1814.—Referred to the Committee on Private Land Claims.

Mr. HARRISON presented petitions from sundry inhabitants of the State of Ohio, praying that certain lands in said State ceded to the United States by the Indians, at the Treaty of Greenville, and reserved, may be sold on the terms and conditions on which other public lands of the United States are sold.—Referred to the Committee on the Public Lands.

Mr. LOWNDES, from the Committee of Ways and Means, made a report on that part of the estimates for the military service for the year 1817, which relates to the charge produced by brevet commissions; which was read; when Mr. L. reported a bill respecting the pay and emoluments of certain officers of the Army of the United States; which was read twice, and committed to the Committee of the whole House, to which is committed the bill for the relief of infirm, disabled, and superannuated officers and soldiers.

Mr. LOWNDES, from the same committee, also reported a bill making appropriations for the support of the Navy of the United States for the year 1817; which was read twice, and committed to the Committee of the whole House, to which is committed the bill making appropriations for support of the Government for the year 1817.

Mr. LOWNDES, from the Committee of Ways and Means, made an unfavorable report on the petition of Jesse Hunt, who prays for the remission of certain duties payable to the United States, by reason of the destruction by fire of the said goods, on their voyage in the steamboat. This report was earnestly opposed by Mr. HARRISON, on the principle that the Government ought not to demand a tax or duty from any man, who, without his own agency, had become unable to pay it; and it was supported by Mr. LOWNDES, Mr. RANDOLPH, and Mr. SMITH, of Maryland, on the ground of the established practice of the Government to insist on the payment of duties in all cases whatsoever. The report was concurred in.

Mr. JOHNSON, of Kentucky, from the committee appointed on the petition of John Bate, reported a bill for the relief of John Bate; which was read twice, and committed to a Committee of the Whole.

Mr. MOSELEY, from the committee appointed on the petition of Andrew Law, reported a bill to extend the patent granted to Andrew Law for an improvement in the mode of printing music; which was read twice, and committed to a Committee of the Whole.

Mr. GASTON, from the select committee, to whom was referred the memorial of the Legislature of North Carolina, respecting unsettled claims to lands on North Carolina grants, &c., delivered in a detailed report on the subject, introductory to a bill supplementary to the act, entitled "An act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described," &c.; which was read twice, and committed.

Mr. GASTON also made an unfavorable report on the petition of certain citizens of Blount county, Tennessee, respecting public lands; which was read, and concurred in.

The bill from the Senate "authorizing the settlement of the accounts of Flavil Sabin," was read twice, and referred to the Committee of Claims.

BILL FOR ENFORCING NEUTRALITY.

The House then proceeded to the order of the day on the bill to repress private expeditions for warlike purposes, against Powers in amity with the United States. The question depending yesterday on the amendment proposed by Mr. FORSYTH to the second section recurred: When the said section was read as follows:

SEC. 2. *And be it further enacted*, That the owners of all armed ships, sailing out of the ports of the United States, and owned wholly or in part by citizens thereof, shall enter into bond to the collector, with sufficient security, prior to the clearing out the same, in double the amount of the vessel and cargo on board, including her armament, that the said ship or vessel shall not be employed either by the owners or by any person to whom they may sell, or pretend to sell the same, in cruising or committing hostilities upon the subjects, citizens, or property of any Power, or State, with whom the United States are at peace.

A motion was made by Mr. DICKENS to extend the amendment of Mr. FORSYTH, so as to embrace "by the owners," which motion was rejected by the House.

The amendment proposed yesterday by Mr. FORSYTH, to the said second section, was then agreed to by the House.

The first section of the said bill is in the following words:

SEC. 1. *Be it further enacted*, That if any citizen of the United States shall, within the limits of the same, fit out and arm, or attempt to fit out and arm, or procure to be fitted out and armed, or shall knowingly aid or be concerned in the fitting out and arming any private ship or vessel of war, or sell the said vessel, or contract for the sale of the said vessel to be delivered in the United States, *or elsewhere*, to the purchaser, with intent or previous knowledge that the said vessel shall, or will be employed to cruise or commit hostilities upon the subjects, citizens, or property, of any Prince or State with whom the United States are at peace, such persons so offending shall, on conviction thereof, be adjudged guilty of a high misdemeanor, and shall be punished by a fine not exceeding ten thousand dollars, and imprisonment not exceeding ten years; and the trial of such offence shall either be in the district of the United States, wherein the vessel was fitted out and armed, or in that wherein the contract of sale was made.

A motion was made by Mr. CALHOUN to amend the said section, by striking out the words "or elsewhere."—Negatived.

Mr. WARD, of Massachusetts, moved to amend

the fourth section by inserting after the word "vessel" where it first occurs, the words "owned by a belligerent," and after the word vessel where it occurs the second time, the words "owned as aforesaid."—Negatived.

Mr. Ingham moved to strike out the word "ten" between the words "exceeding" and "dollars" in the first section, and in lieu thereof to insert the word "five;" which motion was rejected by the House.

A motion was then made by Mr. Ross to strike out from the second section the word "double;" which motion was also rejected.

Mr. Randolph moved to amend the third section, by striking out the word "principally," and in lieu thereof, to insert "in whole or in part."—Negatived.

Mr. Wright moved to add to the bill, the following section:

Sec. 5. *And be it further enacted,* That any ship or vessel sailing out of the United States, under the license of any foreign Minister, shall be liable to confiscation and condemnation to the use of the United States.

And on the question, "Shall this section be added to the bill?" it was determined in the negative.

The bill being further amended, the question was then taken, "Shall the bill be engrossed and read a third time?" and passed in the affirmative—yeas 94, nays 60, as follows:

Yeas—Messrs. Adams, Adgate, Archer, Atherton, Baer, Baker, Bassett, Bateman, Baylies, Birdseye, Boss, Bradbury, Breckenridge, Brown, Burwell, Cady, Champion, Chappell, Cilley, Condict, Cooper, Culpeper, Darlington, Davenport, Edwards, Findley, Forsyth, Gaston, Gold, Goldsborough, Goodwyn, Griffin, Hahn, Hale, Hall, Hardin, Heister, Hendricks, Herbert, Hooks, Hopkinson, Huger, Hulbert, Hungerford, Jackson, Jewett, Kent, King, Langdon, Law, Lewis, Lovett, Lowndes, Lyon, Marsh, Middleton, Miller, Mills, Milnor, Moseley, Murfree, Jeremiah Nelson, Newton, Noyes, Peter, Pickens, Pickering, Pitkin, Pleasants, Reed, Rice, Roane, Ruggles, Sheffey, Smith of Pennsylvania, Smith of Maryland, Smith of Virginia, Strong, Stuart, Sturges, Taggart, Tallmadge, Taylor of New York, Telfair, Townsend, Vose, Ward of Massachusetts, Ward of New Jersey, Wheaton, Wilcox, Wilde, Williams, Woodward, and Yancey.

Nays—Messrs. Alexander, Barbour, Bennett, Betts, Birdsall, Blount, Brooks, Bryan, Caldwell, Calhoun, Cannon, Carr of Massachusetts, Clark of New York, Clarke of North Carolina, Clendennin, Conner, Cook, Crawford, Creighton, Crocheron, Desha, Fletcher, Forney, Hammond, Harrison, Henderson, Ingham, Johnson of Virginia, Johnson of Kentucky, Kerr of Virginia, Little, Love, Lumpkin, Lyle, William Maclay, William P. Maclay, McCoy, McLean, Moore, Hugh Nelson, Parris, Piper, Powell, Reynolds, Robertson, Root, Ross, Savage, Sharp, Taul, Thomas, Tyler, Wallace, Ward of New York, Wendover, Whiteside, Wilkin, William Wilson, Wright, and Yates.

The bill was then ordered to a third reading tomorrow, in the following form:

A Bill to prevent citizens of the United States from selling vessels of war to the citizens or subjects of any foreign Power, and more effectually to prevent the arming and equipping vessels of war in the ports of the United States, intended to be used against nations in amity with the United States.

Be it enacted, &c., That if any person shall, within the limits of the United States, fit out and arm, or attempt to fit out and arm, or procure to be fitted out and armed, or shall knowingly aid or be concerned in the furnishing, fitting out, or arming any private ship or vessel of war, or sell the said vessel, or contract for the sale of the said vessel, to be delivered in the United States, or elsewhere, to the purchaser, with intent or previous knowledge that the said vessel shall or will be employed to cruise or commit hostilities upon the subjects, citizens, or property of any Prince or State, or of any colony, district or people with whom the United States are at peace, such person so offending shall, on conviction thereof, be adjudged guilty of a high misdemeanor, and shall be punished by a fine not exceeding ten thousand dollars, and imprisonment not exceeding ten years; and the trial of such offence shall either be in the district of the United States wherein the vessel was fitted out and armed, or in that wherein the contract of sale was made.

Sec. 2. *And be it further enacted,* That the owners of all armed ships, sailing out of the ports of the United States, and owned wholly or in part by citizens thereof, shall enter into bond to the collector, with sufficient security, prior to clearing out the same, in double the amount of the vessel and cargo on board, including her armament, that the said ship or vessel shall not be employed by the owners in cruising or committing hostilities upon the subjects, citizens, or property of any Prince or State, or of any colony, district or people, with whom the United States are at peace.

Sec. 3. *And be it further enacted,* That the collectors of the customs be, and they are hereby, respectively authorized and required to detain any vessel bound from the United States, of which the cargo shall principally consist of arms and munitions of war, when the number of men shipped on board, or other circumstances, shall render it probable there is an intention to violate the neutral obligations of the United States to foreign Governments, until the decision of the President be had thereupon, or until the owner enters into bond and security to the collector, prior to the clearing out the same, in double the amount of the value of the vessel and cargo on board, including her armament, that the said ship or vessel shall not be employed by the owner or owners in cruising or committing hostilities upon the subjects, citizens, or property of any Prince or State, colony, district or people with whom the United States are at peace.

Sec. 4. *And be it further enacted,* That no foreign ship or vessel shall be armed and equipped, nor shall the force of any foreign armed ship or vessel be increased or augmented in the ports of the United States, under any pretext whatsoever.

Wednesday, January 29.

Another member, to wit: From the State of Ohio, James Kilbourn, appeared, produced his credentials, was qualified, and took his seat.

Mr. Hulbert presented a petition of the Berk-

shire Association for the Promotion of Agriculture and Manufactures in Massachusetts, praying that the aid of the National Government may be extended to the promotion of the interests of agriculture and manufactures, either by the establishment of a national board, or by such other measures as in the wisdom of Congress may seem meet and proper; which petition was ordered to be referred to a select committee; and Messrs. HULBERT, GOLD, PLEASANTS, TELFAIR, and W. P. MACLAY, were appointed the committee.

Mr. WENDOVER presented a petition of the American Society for the Encouragement of Domestic Manufactures, representing the depressed and distressed condition of the manufacturing establishments throughout the United States, and praying that the duties imposed by the new tariff may be made permanent—that the importation of cotton manufactures from places beyond the Cape of Good Hope may be prohibited—that further and more efficient provisions may be adopted to prevent smuggling, false invoices, and other frauds on the revenue—that a duty of ten per cent. be laid on auction sales of foreign goods—and that such additional aid and protection may be extended to them generally, as will place them beyond that foreign influence which aims at their destruction.—Referred to the Committee of Commerce and Manufactures.

The SPEAKER presented a petition of the second convention of the Manumission Society of Tennessee, praying that the objects of their association may be taken into the serious consideration of Congress, and that such aid may be afforded to them as may be within the Constitutional powers of the General Government; which was read, and ordered to lie on the table.

Mr. LOWNDES, from the Committee of Ways and Means, made a report on the petition of Robert Burnside; which was read, when Mr. L. reported a bill for the relief of Robert Burnside; which was read twice, and committed to the Committee of the Whole, on the bill supplementary to the act for the relief of persons imprisoned for debt.

Mr. LOWNDES, from the same committee, which were instructed to inquire into the expediency of making an appropriation to satisfy the claims of the friendly Creek Indians, whose property was plundered by the hostile Creeks, in consequence of their attachment to the United States, made a report thereon; which was read, when Mr. L. reported a bill for the relief of certain Creek Indians; which was read twice, and committed to the Committee of the Whole last mentioned.

Mr. ROBERTSON, from the Committee on Public Lands, made a report on the petition of William Miller, and others; which was read, when Mr. R. reported a bill, confirming the title of Miller and Futton to a tract of land on the Bayou Bœuf, in the State of Louisiana; which was read twice, and committed to the Committee of the Whole, on the bill for the location of the lands reserved by treaty to certain chiefs and warriors of the Creek nation of Indians.

Mr. SHARP, from the Committee on Private Land Claims, reported a bill for the relief of William Daniel; which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. CHAPPELL, from the same committee, also reported a bill concerning invalid pensioners; which was read twice, and committed to a Committee of the Whole.

BILL FOR ENFORCING NEUTRALITY.

The engrossed bill to prohibit the sale of armed vessels, to be used against friendly Powers, &c., was read the third time, and passed—ayes 83, noes 62.

The title was amended, so as to entitle it "An act more effectually to preserve the neutral relations of the United States."

THE NAVIGATION BILL.

The House then resolved itself into a Committee of the Whole, on the bill to regulate the navigation of the United States. [To prohibit, after a certain day, the importation of any merchandise from any foreign port, except in vessels of the United States, or in foreign vessels owned wholly by the citizens or subjects of the country of which the goods are the growth or produce, or from which such goods, &c., are usually shipped for transportation: *Provided*, That the prohibition shall not extend to the vessels of any foreign nation which has not adopted, or shall not adopt a similar regulation.]

Mr. FORSYTH explained the views of the committee in reporting the bill; its effects, and the necessity of such a regulation, to place our navigation on a footing with, and countervail the partial regulation of foreign countries.

Mr. LOWNDES moved to strike out of the bill the proviso stated above. This motion produced an interesting debate on the principles of the bill, in which the commercial intercourse of this country with foreign nations; the relation of trade generally, and the effect of our commercial conventions, &c., were widely discussed. The gentlemen who took a leading part in the discussion were, Messrs. LOWNDES, FORSYTH, SMITH, of Maryland, CALHOUN, CLAY, HOPKINSON, and PITKIN.

On taking the question on striking out the proviso, it was decided in the negative—ayes 36.

No other amendment being offered, the Committee proceeded to take up the next bill referred to it, being the bill to prohibit all commercial intercourse with those ports into which the vessels of the United States are not permitted to enter and trade.

After spending some time in assiduously discussing the provisions of this bill, and various propositions to amend them, the Committee rose and reported the first bill to the House, and obtained leave to sit again on the latter one, and the House adjourned.

THURSDAY, January 30.

Mr. FORSYTH presented a petition of the Columbian Institute, for the promotion of the arts

and sciences, praying for a grant of a portion of the public ground within the City of Washington, known on the plat of the said city by the name of the Mall, to enable the said Institute to establish a botanical garden, and to carry into effect the other objects of their association.—Referred to the Committee for the District of Columbia.

On motion of Mr. HARRISON, the Military Committee were instructed to inquire into the expediency of granting the bounty of 160 acres of land to all the non-commissioned officers and soldiers of the Army, who, having been enlisted previously to the 24th of December, 1811, are not entitled, under existing laws, to said bounty, but who have faithfully served to the close of the late war, and obtained an honorable discharge.

The bill concerning the navigation of the United States, was ordered to be recommitted to the Committee of the Whole, to which has been referred the bill to prohibit all commercial intercourse with the ports or places into, or with which the vessels of the United States are not ordinarily permitted to enter and trade.

Mr. JACKSON submitted the following resolution; which was read, and ordered to lie on the table:

"*Resolved*, That there shall be appointed by the Speaker, for the present session, and at the commencement of each ensuing session of Congress, three clerks of committees, to be assigned to such standing committees as he may designate, with such daily compensation during the sessions as he shall prescribe, to be paid out of the contingent fund of the House of Representatives."

MISSOURI TERRITORY.

Mr. POPE offered for consideration the following resolutions:

"*Resolved*, That the Committee on the Public Lands be instructed to inquire into the expediency of granting or securing to the town of St. Louis, in the Missouri Territory, as a common, all the sand bar, or batture, formed by the recession of the Mississippi river between the said town and low water mark, and to prohibit the location of any floating claim in the said Territory thereon; or, if any location should have been made, to prohibit, by law, the issuing of a patent therefor.

"*Resolved, also*, That the Committee on the Public Lands be instructed to inquire into the expediency of prohibiting, by law, the location of any floating claim on any lands in the Territory of Missouri, the right of pre-emption to which land has been secured to any settler by the act of the 12th of April, 1814; or, if any such location should have been made, to prohibit, by law, the issuing of a patent therefor.

"*Resolved, also*, That the Committee on the Public Lands be instructed to inquire into the expediency of prohibiting, by law, the location of any floating claim in the Territory of Missouri, on any lands, the right, title, or claim to which has been at any time heretofore given notice of, or filed with either of the boards of commissioners in said Territory, or with the recorder of land titles, acting as such under any law of Congress for the adjustment of land titles in said Territory; or, if any such location should have been made, to prohibit, by law, the issuing of patents therefor.

"*Resolved, also*, That the Committee on the Public Lands be instructed to inquire into the expediency of prohibiting, by law, the location of any floating claim in the Territory of Missouri, on any town lot, village lot, out lot, or common field lot, or commons, in, adjoining or appertaining to any of the towns or villages in the Territory of Missouri; or, if any such location shall have been made, to prohibit, by law, the issuing of patents therefor."

Mr. POPE explained the objects of these resolutions. In regard to the first he said, that, under the law passed at a former session, (authorizing the transfer of land claims from the county of New Madrid to other vacant lands in the Missouri Territory,) an attempt had been made to appropriate a piece of land usually called batture, between high and low water mark, the possession of which, in this manner obtained, would probably be extremely detrimental to the town of St. Louis, subjecting its prosperity to the will of the owner of that property. In regard to the second, it was predicated on the injustice of permitting pre-emption claims (already recognised by law) from being covered by other patents, &c. With respect to the third, he said that involved a matter of more difficulty. The act of Congress for the settlement of land claims in the Missouri Territory made the decisions of the commissioners thereon final, when the claims should be favorably adjudged; when otherwise, the decisions were not final, but were referred by the act to the decision of Congress, in respect to the question between the United States and the claimants. Congress not having yet legislated on the subject, the claims yet stood against the Government; and as in some cases the claims had been improperly rejected by the commissioners, it would not be proper to permit those who obtained the bounty of Government, to locate their grants in such a manner as to deprive such individuals of their rights. The fourth regarded town lots, which it would be injudicious and unfair to suffer individuals to locate claims on, &c.

The resolutions were adopted without objection.

COMMERCIAL INTERCOURSE.

The House again resolved itself into a Committee of the Whole, on the bill "to prohibit all commercial intercourse with ports or places into, or with which the vessels of the United States are not ordinarily permitted to enter and trade."

Mr. KING, of Massachusetts, observed that it was only necessary to suggest to the Committee the great importance of the subject under discussion to insure to it all the attention it demanded. It was not a subject that respected particular sections of the country, but it had a direct bearing upon our national prosperity and national defence. Commerce and navigation were indeed indivisible, and their intimate connexion with the agricultural and manufacturing interest was known to all. The regulations proposed by the bill bore no analogy to the restrictive system, commencing with the non-importation act of 1806, and ending in war in 1812; that was not to regulate commerce, but to convert it into an

engine of war, which reacted with greater force upon our citizens than it acted upon our enemy. The present regulations, if adopted, would be in self-defence, to retaliate upon foreign nations some of their injurious impositions. It never had been the policy of this country to begin a system of this kind, but it is her true policy to countervail the regulations of other nations. An honorable gentleman from South Carolina, (Mr. CALHOUN,) who does not appear to have examined this subject with his usual accuracy and precision, in the few observations he submitted yesterday, thinks that regulations of the kind contemplated by this bill ought to be the subject of compact or treaty: why then is the power to regulate commerce vested in Congress? Especially if the doctrine contended for by some honorable gentlemen be correct, as in the case of the late commercial convention with Great Britain, that the sanction of Congress is not necessary to the validity of such a convention? But, sir, it requires the consent of two nations to form a treaty, though we may pass laws regulating commerce. And such laws are infinitely more permanent than treaties. Take the case of Great Britain in relation to her celebrated navigation act; which has now existed for more than one hundred and fifty years. How often have her treaties, within that time, been renewed, with the principal nations of Europe! Laws thus passed, thus permanent, are not liable to be torn asunder by every blast of war. But, sir, we have no option left—some of the nations of Europe, one at least, has established her regulations, injurious as we think to our navigation, and refuses to treat on the subject; nor will she ever treat thereon, if you thus acquiesce. A free and fair commerce with all the world is what we wish—an absence of all restrictions; but if other nations will not pursue this course, we must retaliate, or sacrifice the best interests of the country.

I wish, sir, to draw the attention of the Committee to the language and opinions of some of our most distinguished statesmen on this subject. In 1784, the report of a committee of Congress under the Confederation—two of which committee were Mr. Jefferson and the late Vice President, Mr. Gerry—contains these paragraphs:

"The trust reposed in Congress renders it their duty to be attentive to the conduct of foreign nations, and to prevent or restrain, as far as may be, all such proceedings as might prove injurious to the United States. The situation of commerce at this time claims the attention of the several States, and few objects of greater importance can present themselves to their notice. The fortune of every citizen is interested in the success thereof; for it is the constant source of wealth and incentive to industry; and the value of our produce and our land must ever rise or fall in proportion to the prosperous or adverse state of trade.

"Already has Great Britain adopted regulations destructive of our commerce with her West India islands. There was reason to expect that measures so unequal, and so little calculated to promote mercantile intercourse, would not be persevered in by an enlightened nation. But these measures are growing into system."

Another committee of that honorable body in 1785—Colonel Monroe, the President elect, was one—in a letter to the States, says:

"Possessing no advantages in the ports of his own country, and subjected to much higher duties and restrictions in those of other Powers, it will necessarily become the interest of the American merchant to ship his produce in foreign bottoms; of course their prospects of national consequence must decline, their merchants become only the agents and retailers of those of foreign Powers, their extensive forests be hewn down and laid waste, to add to their strength and national resources, and the American flag be rarely seen upon the face of the seas." "If they (the States) wish to cement the Union by the strongest ties of interest and affection; if they wish to promote its strength and grandeur, founded upon that of each individual State, every consideration of local as well as of Federal policy urge them to adopt the following recommendation:"

To vest Congress with power to regulate commerce. Our present Constitution gave them that power, the use they will make of it, on this subject we are yet to learn.

In 1793, according to a resolution of the House of Representatives, Mr. Jefferson, then Secretary of State, made an able and highly important report, on the privileges and restrictions of our commerce in foreign countries, in which he says:

"Our commerce is certainly of a character to entitle it to favor in most countries. The commodities we offer are necessaries of life, or materials for manufacture, or convenient subjects of revenue; and we take in exchange either manufactures, when they have received the last finish of art and industry, or mere luxuries. Such customers may reasonably expect welcome and friendly treatment at every market. Customers, too, whose demands increasing with their wealth and population, must very shortly give full employment to the whole industry of any nation whatever, in any line of supply they may get into the habit of calling for from it.

"But should any nation, contrary to our wishes, suppose it may better find its advantage by continuing its system of prohibitions, duties and regulations, it behooves us to protect our citizens, their commerce and navigation, by counter prohibitions, duties, and regulations, also. Free commerce and navigation are not to be given in exchange for restrictions and vexations; nor are they likely to produce a relaxation of them.

"Our navigation involves still higher considerations. As a branch of industry it is valuable, but as a resource of defence, essential."

How fully was this verified in our late war, by the brilliant achievements of our gallant Navy—so honorable to our country—so glorious to our naval heroes!

"Its value as a branch of industry is enhanced by the dependence of so many other branches on it. In times of general peace it multiplies competitors for employment in transportation, and so keeps that at its proper level; and in times of war, that is to say, when those nations who may be our principal carriers shall be at war with each other, if we have not within ourselves the means of transportation, our produce must be exported in belligerent vessels, at the increased expense of war freight and insurance, and the articles which will not bear that must perish on our hands.

"But it is as a resource of defence, that our navigation will admit neither neglect nor forbearance. The

position and circumstances of the United States, leave them nothing to fear on their land-board, and nothing to desire beyond their present rights. But on their sea-board they are open to injury, and they have there, too, a commerce which must be protected; this can only be done by possessing a respectable body of citizen seamen, and of artists and establishments in readiness for ship building.

"The carriage of our own commodities, if once established in another channel, cannot be resumed in the moment we may desire. If we lose the seamen and artists, whom it now occupies, we lose the present means of marine defence; and time will not be requisite to raise up others; when disgrace or losses bring home to our feelings the error of having abandoned them. The materials for maintaining our due share of navigation are ours in abundance; and, as the mode of using them, we have only to adopt the principles of those who put us on the defensive, or others equivalent and better fitted to our circumstances.

"Where a nation imposes high duties on our productions, or prohibits them altogether, it may be proper for us to do the same by theirs.

"Where a nation refuses to receive in our vessels any productions but our own, we may refuse to receive in theirs any but their own productions.

"Where a nation refuses to our vessels the carriage even of our own productions, to certain countries under her dominion, we might refuse to theirs, of every description, carriage of the same productions to the same countries.

"But as justice and good neighborhood would dictate, that those who have no part in imposing the restriction on us, should not be the victims of measures adopted to defeat its effect, it may be proper to confine the restriction to vessels owned or navigated by any subjects of the same dominant Power, other than the inhabitants of the country, to which the said productions are to be carried. And to prevent all inconvenience to the said inhabitants, and to our own, by too sudden a check on the means of transportation, we may continue to admit the vessels marked for future exclusion, on an advanced tonnage, and for such length of time only, as will be supposed necessary, to provide against such inconvenience."

Such, sir, were the opinions and views of some of our most distinguished statesmen, and such were the principles of policy recommended by them, for the adoption of their country—equally applicable to our present situation—equally necessary now to be adopted. That they were not called upon at an earlier period, the convulsed state of Europe, from the commencement of the French revolution, in 1789, to the termination of the late conflict in Europe, furnishes a sufficient reason. But, sir, Congress ought before to have acted upon this subject—before the termination of that conflict—before the negotiation of the late commercial convention of London. Great Britain did this: she revised her navigation laws; formed a new tariff, or greatly altered her former, and adapted the whole to a state of peace in Europe and with America. And although in that convention she professes to put the direct trade between the two countries upon a perfect footing of reciprocity, yet she had before secured the principal advantages to her own ships and subjects. In a word, (and in the words of Mr. Jefferson's report,) we did give "her commerce and navigation in exchange for restrictions and vexations." We admit all her productions; she refuses or lays prohibitory duties on many of ours. All our ports are open to her; one-third of her ports are closed against us. She told our Commissioners we had nothing to offer in exchange for her colonial ports. Have we not a most extensive and lucrative commerce to offer for them—a commerce, if not essential to their existence, at least necessary to their growth and prosperity? Shall it be said we have nothing to offer for the trade of these colonies, when they now receive in British bottoms three-quarters of their supplies from us? No, sir; pass the laws on your table, and at your next negotiation you will have in them stronger arguments than any of your Commissioners had at the formation of the late convention, as it respects the colonial trade. In little more than two years that convention will expire. You will probably treat again upon the subjects embraced by it. These laws will aid you in obtaining a true reciprocity in commerce. All nations disposed to act on high and honorable principles will find America anxious to do the same. If they are disposed to remove all restrictions from commerce, America will do the same. Such is the language of her statesmen, quoted above; such the language of her laws. Unsolicited, she long since passed a law offering to all commercial traders to abolish all discriminating duties, that commerce, like the ocean on which it floats, might find its proper level; that the ocean might indeed become the great, the common, and the safe highway of nations, where the citizens and subjects might meet as friends.

Permit me now, sir, to ask the attention of the Committee to the principal features of the British navigation act. It is a wise and aged monitor; it has existed for more than one hundred and fifty years; the most profitable and best counsellor the British monarchy ever possessed. And I sincerely hope that our country will draw much profit and instruction from the same source. The following account of that act, greatly abbreviated, is taken from Chitty's Law of Nations. Some of the additional acts have received modification since he wrote, particularly in relation to this country:

The great navigation act (as it is called) of Great Britain passed before the Restoration, viz: October 9, 1651, and was intended "to cripple the Dutch trade." The subsisting act of navigation was passed 12 Charles II., ch. 18. Its principal provisions are three-fold, viz:

1. Relating to the coasting trade of Great Britain;

2. Her trade with other independent States;

3. The trade she carries on herself, or permits other States to carry on, with her plantations and foreign possessions.

The first is confined solely to British bottoms—the master and three-quarters at least of the seamen English—and is from one port or creek of England, Ireland, &c., to another port or creek in the same.

The second is restricted to English vessels, or vessels of the country producing the article—the master and three-quarters of the crew of that country—or to vessels of the place where the article is first shipped. By 6 George I., ch. 15. Timber from Germany confined to English vessels. Certain enumerated articles admitted from Europe. The trade with Asia, Africa, and America, restricted to British colonial vessels of hers, by 12 Charles II., ch. 18. 3. Exceptions in favor of the Portugeese, 48 George III., ch. 11. Products direct from Brazil, in Portuguese vessels, owned by subjects of that Government, resident in said country.

Exception to the United States, 37 George III., ch. 97. American products in American and British ships—the master and three-quarters of the mariners of the country. "Any goods, wares, or merchandise, the growth, production, or manufacture, of the United States, not prohibited by law," section 37, this act to continue in force so long as the treaty between His Majesty and the United States shall. The treaty ceased, but this statute was continued, by sundry acts, to 1808; then continued another year; and the 49 George III., ch. 59, re-enacted the same, without any limitation. (Imparlance of these legislative acts not repealed by law.) This act then is permanently in force, except when affected for a time by our non-intercourse, embargo, or the British retaliations thereof. Some exceptions from the general law, as to unmanufactured tobacco, indigo, and cochineal. Exceptions and permanent absence of all restrictions as to masts, timber or boards, pitch, tar, rosin, hemp or flax, by 47 George III., ch. 27, 2. May be exported in any vessel belonging to any State in amity with His Majesty, navigated in any manner, (since altered;) also bullion and prize goods, by original act of 12 Charles II., ch. 18, 15; also temporary suspensions during the war. By said original act, the trade of Great Britain with her colonies (which was the third branch above named) is confined to her home and colonial shipping. Exceptions by 45 George III., ch. 57, enacts that wood, cotton, wool, &c., mill timber, horses, cattle, &c., may be imported into certain ports, viz: Kingston, Savannah, La Mar, &c., from the country of their growth, production, or manufacture, in vessels of such country; also tobacco; also permits certain exports, (since altered.) When war is declared, the King, by proclamation, shall permit merchant vessels, &c., to be sailed differently from the navigation laws.

The great object of these laws is to enlarge and strengthen the maritime power of Great Britain; and, as one of her political writers remarks, they impose burdens on foreign to encourage domestic industry; that the act of navigation is, perhaps, the wisest of all the commercial regulations of England. "If the wisdom of any scheme of policy is to be measured by its effects and consequences, our navigation system is entitled to the praise of having attained the end for which it was designed. Whether we regard the primary or inferior objects in this system—whether it is the increase of shipping, the extension of our foreign trade, or the strength of our navy—they have all advanced to a degree of consideration unexampled, and they owe that advancement to this system."—(Reve's Law of Shipping, cited in Chitty's Law of Nations.)

These are some of the features of the celebrated Navigation Act of Great Britain, and of some of the laws relating to the same subject. Let it not be said that she will not relax in her colonial system when we see she has relaxed, even in relation to this country, when it was for her interest. But what reason has she to relax her restrictions if you do not retaliate them? Relax them, did I say! Nay, she will add to them—favor the trade of her own subjects at the expense of your trade, unless you countervail her acts. The very trade between our country and her colonies, which she allows in her own bottoms, is a relaxation of the old colonial law, which restricted that trade to the mother country. And what has been the consequence of this direct trade in British ships between her colonies and this country? That some of these colonies have prevented, by high duties, the introduction from neighboring islands, to which our vessels can go, (except from Bermuda,) of all commodities from this country, because they can receive them cheaper direct from this country, and can send their produce, such I mean as they permit to be sent, chiefly rum, sugar, and molasses, directly to us. And, sir, it is principally by this colonial trade of Great Britain, the decided advantage which that affords, which enables her almost to engross the direct trade between this and Great Britain—the advantage of double voyages: thereby enabling her ship-owners to underbid us in our own ports—(I mean, to carry for less freight.) In relation to that part of Mr. Jefferson's report which refers to some of the British islands which might equally with ourselves be the victims of the restrictive laws of Great Britain, it is sufficient to remark that some of her colonies, (I do not refer to the islands,) have urged her on to the adoption of some of her laws injurious to our navigation. Nay, some of her colonial assemblies have themselves passed laws in relation to their trade with this country of which we have reason to complain. On the subject of trade in plaster of Paris, the assemblies of New Brunswick and Nova Scotia have passed laws of the most offensive character: laying a duty almost equal to the price of the article in the Boston market, on all the plaster exported from their provinces, and landed to the east of Cape Cod—the duty, I think, is twenty shillings sterling the ton; and this act, contrary to all expectation, has received the sanction of the Prince Regent. Thus, to enable the British vessel to carry the article to the place of consumption, a distinction is made in our ports, and a preference given to some of our ports over others. Can Congress for a moment suffer a preference of this kind? Suffer a foreign Power to do that which the Constitution will not permit you to do? Where will these encroachments end, if not met by the most decisive

measures of retaliation? Sir, I fear this whole business is a sacrifice of principle to a little temporary interest. We hear it said, it will do no good to pass these laws; Great Britain will not relax in her restrictive laws; sir, it will do this good: it will prevent her wealthy merchants and ship-owners from rising into importance on the misfortunes and the bankruptcies of our citizens; it will prevent her already gigantic naval power from rising still higher on the ruins of our own.

One word more respecting this trade in plaster of Paris. Its importance, and the motives for passing the colonial laws on the subject, may be collected from the resolutions passed "at a meeting of the merchants, ship-owners, and other inhabitants of the city of St. John's, New Brunswick, on the 19th February, 1816"—they say,

"That, by the best estimate, this trade, duly regulated, will employ 15,000 tons of additional British shipping, being more than is used in all the rest of the trade of the province."

"That the contraband trade between the ports of the Bay of Fundy and the United States of America, has been baneful to the prosperity of the country, not only by the introduction of illegal merchandise, but by its ruinous drain of specie from it."

"That another prominent evil arising out of this trade is, that a great portion of the numerous vessels belonging to the out-ports of the Bay of Fundy, are only nominally British, but virtually American bottoms," &c.

After other observations, and after adverting to the interest which their "sister province of Nova Scotia" had in this trade, they resolved,

"That a petition to the Legislature of this province, now in session, be immediately forwarded, expressive of the substance of the foregoing resolutions, and humbly praying that effectual regulations be enacted, to the end, that no plaster of Paris may be delivered in the neighborhood of the American lines, or anywhere to the eastward of Boston, in such way as to enable the American coasting vessels to carry it from the said lines to the places of consumption."

Hence, the plaster law above mentioned; but, as Boston must be the victim when anything like a port bill is in agitation, no plaster, by the act, can be delivered east of Cape Cod, without paying the prohibitory duty.

I will now, sir, for a moment, take a view of the navigation of this country; and of its importance not only to the individuals who may own its tonnage, not to that part of the country where the principal part is constructed, but to the nation at large, in relation to the hands and materials employed in its construction, the amount and value of the tonnage, and, above all, in a national point of view, for manning our navy in case of war, with the number of seamen required to navigate it. The amount of our tonnage in 1816, as stated in the Treasury report, was over 1,400,000 tons; but this is presumed to be, by the author (a member of this House, Mr. Pitkin,) of a statistical view of our commerce, (a work distinguished for accuracy of research and correctness of remark,) greater than the actual amount, which he states at 1,250,000 tons; by the Treasury statement of the amount of tonnage for 1815, laid on our tables yesterday, there were 1,368,127 tons; but the actual amount for that year may be rated at 1,250,000 tons: allowing one seaman for every twenty tons, which is rather under than over the usual proportion, it would require 62,500 seamen to navigate this tonnage, if generally employed. The original cost of this tonnage, on an average of forty dollars the ton, is $50,000,000: the actual value, at any given period, will be found by deducting one-third of the original cost; this will give you an actual capital employed in navigation, for 1815, of thirty-three millions and a third of dollars. The whole of this tonnage requires to be replaced once in ten years, in consequence of loss and decay. There must, therefore, be annually built 125,000 tons, equal in value to $5,000,000, which give employment to more than 10,000 artists and laborers in the construction. This appears a fair estimate from the amount of tonnage actually built in this country when commerce and navigation flourished, say in 1805–6. Ships of war in England, built in the King's docks, of the materials there generally used, are now estimated to last fifteen years; those built in the merchants' yards, ten years: giving an average of twelve years and a half; our merchant vessels may, therefore, be estimated to last ten years. The trade of ship building is extremely important in certain parts of our country not so highly favored as other portions of it, as to soil and climate; taken in connexion with the employment of the ships, it is essential to their prosperity; nay, their population must greatly decrease without this employment. The people of this country formed the Constitution of the United States, among other things, "to promote the general welfare;" is not this done by promoting the welfare of every part? If the people of any part suffer peculiar privations and losses by the injurious acts of foreign nations, and it is in the power of this Government to prevent them in future, is it not its duty to do it? The bill on your table will, it is presumed, remedy some of the evils inflicted on this country, by the restrictive laws of foreign nations.

But, to return to the subject of our navigation; consider the number and variety of persons employed in the construction of a ship—take a ship of two or three hundred tons. A gang of ten or fifteen men are first employed about a month in cutting timber; a different set of men are then employed, with their teams, in hauling it to the ship yard; ten or fifteen carpenters are then employed for two or three months in building the vessel; before she is launched, a different set of men, the caulkers, perform their part; after being launched, the cordage having been manufactured, the riggers fit and put over head the rigging; and the blockmakers, sailmakers, and blacksmiths, furnish their several parts; so down to the pauper who picks the oakum that is driven into her seams. She is then ready to receive on board those enterprising and gallant seamen, who, in the merchant's employ, carry the products of our country to the most distant nations, and, in our

naval service, have spread their own glory and the fame of their country through the world.

But what is the situation of our navigation, and of our gallant seamen, at this moment? Owing in part to the causes to which I have alluded, the restrictions imposed by one nation, at least upon our mercantile enterprise, and the many privileges and advantages which the ships and seamen of that very nation enjoy in our ports, in reference to their colonial trade, and even to the direct trade with Great Britain, and in some degree, no doubt, to the general peace throughout the country; more than one-half of our tonnage is now useless—dismantled at the wharves, and literally rotting at the docks. Many of our seamen are reluctantly compelled to seek employ in foreign countries, and to sail under foreign flags. Our ship carpenters, too, destitute of employ, are obliged, for a living, to go into the British Provinces of New Brunswick and Nova Scotia, there to cut timber, even for the royal navy of England, and to build vessels to carry it to Great Britain. Thus, British merchants, with British capital, employ our carpenters to build many vessels which are not only employed to carry on the direct trade with Great Britain, but to carry our lumber, our live stock, and our provisions, to their colonies. Hundreds of our artists and laborers, formerly employed in ship building, are reduced to poverty, and the owners of our ships, there being neither sale nor employment for them, are, many of them, bankrupt, without even the last consolation of unfortunate merchants, a bankrupt law to save them from prison, and many of our towns and villages, once flourishing by commerce and navigation, deprived of both, now rapidly decay. Will the bill on your table have a tendency to relieve some of these misfortunes? I think it will. If it should not open the British islands to us, it will at least employ many of our ships and seamen to carry some of our productions, necessary for the British islands, to other islands in the West Indies, to be carried thence in British ships into their own ports; giving us the privilege of carrying, nearly to the port of consumption, many of those articles which now are only carried in British vessels. It will, too, prevent some of their merchants, and some portion of their navigation, from flourishing on the ruin of our own. But we have every reason to suppose that, by a measure of this kind, we shall render the British Government a little more inclined, because it will be for her interest, in any future negotiation, to allow us a participation in the trade with many of her islands, equally beneficial to them and ourselves. The bill on your table must have an injurious effect upon the trade of those islands. Although the plantations are in the West Indies, many of their owners are in England, and there form a numerous and wealthy class of subjects. Their complaints, at least, will be attended to by the British Cabinet. Far be it from me, sir, to wish to inflict any suffering on the British colonies; their commerce, like our own, is too often sacrificed to the interest of the parent country; and the measure proposed, if it produces the desired effect, will be equally beneficial to the islands and to this country.

Some inconveniences of a temporary nature may result from the adoption of the regulation proposed; and it is my sincere desire, as far as in my power, to consider the measure in its most important bearings. It will for a time depress, in our market, the price of those articles which are now carried in British ships to their islands. In the North and East, the value of our lumber will be less; but, if the merchants concerned in that trade can see, that what they may lose in the price of the article will be gained by another and equally deserving class of their fellow-citizens; that, in a national point of light, nothing will be lost, and the measure will tend to equalize the benefits of trade throughout the country, they ought and will be satisfied; in this view, it is a call upon their patriotism, which will not be disregarded. The effect upon the price of the products which we receive from their islands, in British vessels, must be small indeed. Rum, sugar, and molasses, are the principal articles which we thus receive. Their rum we can well dispense with; if there never should be another gallon imported into the country, it would be a favor to the nation. We now receive large quantities of sugar and molasses from the Havana, and some from other islands than British; we formerly received considerable quantities of sugar from the East Indies and South America—(Brazil;) we now obtain considerable quantities from the Southern portion of the United States, and with suitable encouragement, a great proportion of our whole consumption could be obtained from that source.

It has been pretended by some, that the trade now carried on between this country and the British islands, is not a profitable one; and we see calculations in some of our public papers, made, no doubt, by British merchants or British agents among us, to this effect. But why do they persevere in this trade if it be unprofitable? Why not not permit others to participate in the loss? The suggestions on this head remind me of a circumstance mentioned respecting the first merchant in New York who shipped flaxseed to the Irish market. On the return of his ship, he was asked how the article answered? Not at all, was the reply, it was a ruinous business; but it was observed he soon loaded another vessel with the same article, and then another; still, on the return of each, the story was—that the trade was most ruinous. His friends asked him why he persevered in such a losing trade? He replied, that he must do something to support his family. So those British merchants and agents, who complain that the colonial trade with this country is a losing one, get something to support their families; and what is more, greatly to benefit the English nation.

It may be asked, will not this measure aid in building up the neighboring British colonies on the continent of America? Sanguine calculations, I know, have been made, by some Eng-

lish writers, on this subject: that large quantities of lumber are, and will continue to be, exported from the Canadian territory, by the St. Lawrence, including that which they receive from the United States by Lake Champlain, &c., there can be no doubt, and much valuable timber will be exported from New Brunswick and Nova Scotia; but to suppose that anything like an adequate supply for the British home market, and for the British West India colonies can thus be obtained, is erroneous. The climate interposes an insurmountable obstacle to a regular supply. The St. Lawrence is closed by the ice from three to five months in each year.

Not to detain the Committee longer, it does appear to me, that whether you consult the interests of your fellow-citizens, or the honor of your country, this prohibitory bill ought to pass. If it be done now, rely upon it, sir, that a future Congress will, in defence of the rights and privileges of this nation, be obliged to adopt a similar measure, under circumstances more adverse than the present. I can only add a fervent supplication, that Congress may so decide on this, and on every other occasion, as will redound to the peace and prosperity of these United States!

Some amendments here were disposed of, as moved by Mr. BIRDSEYE, and others.

Mr. SMITH, of Maryland, then addressed the Committee. The subject of this bill, he said, was one of great importance and great delicacy. Apathy appeared to prevail in the House during its consideration; and yet never had any subject been before Congress more important in its consequences. It had been observed to him, he said, by an honorable friend, that, in general, navigation and commerce were considered and used as synonymous terms, though materially differing and distinct from each other. It was the correct policy of this country not to attempt to aid the navigation of the country by measures which might be greatly injurious to its commercial interest. It was equally its true policy to accede to any propositions which could not prove materially injurious to commerce, and were at the same time greatly beneficial to navigation. If then no material injury could result to commerce from the passage of this bill, but a great benefit to navigation, the House ought to pass it.

By promoting the navigation of the country, we secure the materials with which we man our Navy, an establishment so necessary to protect the honor and interest of the country. Without an extensive navigation, commerce could not be protected. Some sacrifices therefore were occasionally required from the commercial interest of a country, to attain the great object of an increase of navigation. It was not proper for us perhaps to say that foreign nations, having established colonies which they are bound to protect, should have a right to secure to themselves the whole of the navigation and commerce of those colonies. Such had been the course of all nations, to secure to themselves, in repayment of the expenses incurred by the colonies, the exclusive right to navigation to and from their ports. If we had colonies, Mr. S. said, he did not know that we should not pursue the same course. So far as the history of our Government affords any example on this head, there was an illustration of the same policy on our part, in our refusal to foreign nations of the right to trade with the Indians within our limits without special permission—and he believed a proposition was now on the table to forbid foreigners from trading with them on any conditions. But if a foreign nation, thus holding colonies, derives great advantage from trade with our country, and yet excludes our vessels from any participation in it, if we can coerce her to abandon that policy, we are bound, attending to the interest of our navigation, to do so, if we can do so without the hazard of too great injury to other interests.

The friends of this bill then ought first to show that we can coerce Great Britain to admit us into a participation of the trade with her colonies, without material injury to the commercial and other interests of the country.

The effect of this measure on the commerce of the United States, Mr. S. said, must be considered in two lights: first, as regarded importation, and, secondly, as regarded exportation.

Shall we lose anything, he asked, by prohibiting importation from the West Indies, unless in vessels of the United States? The principal articles of importation are coffee, sugar, and rum. Shall we injure the revenue of the United States, or raise too high the prices of those articles in the market, by the proposed measure? Mr. S. said he thought it could be clearly shown that no injury of this sort would result from it. Not only did we get enough of those articles (rum excepted) from the West Indies and other countries for our consumption, but a surplus was left for exportation. If we are now able to export ten or fifteen millions per annum of sugar and coffee to other countries, and distribute them among the nations of the world, there could be no doubt we should always have enough (supposing our communication with the British colonies to be cut off) for home consumption and to maintain the revenue. Rum indeed could be got only from the West Indies, except in small but increasing quantity from Louisiana, and except a description of that liquor called taffia, which our people will not drink. But suppose we could get none, the brandies of Europe are equally good, and equally if not more healthy; and the whiskey of our country (give it age, or turn it into gin,) was not inferior in his opinion to either. On this point, he said, he spoke experimentally; he had of that liquor six or eight years old, and he preferred it to brandy—though others did not. The people, he said, would get accustomed to it, and it would be generally preferred to rum, which was in no view an indispensable article. From documents on the table, Mr. S. said, it appeared that the revenue from importations in British vessels from the West Indies was about two millions per annum. That revenue, he said, would not be injured, because we must consume the articles on which that rev-

enue was collected from some other source, if not from the British islands.

The next point was the effect which this measure would have on exportation; and here, and here only, was the difficulty. If we can assure ourselves that the colonies of Great Britain cannot be supplied elsewhere with the article which are now drawn from our country for their consumption, we tread on safe grounds. It was fair, Mr. S. said, to state this question in its true light. The British West India possessions drew annually, on an average, from this country six and a half millions of the products and manufactures of the country. She employs in carrying those articles to her colonies (if it were all flour, which is the most valuable article) 60,000 tons of shipping; but the greater part of the cargoes being the bulky article of lumber, she may employ from eighty to a hundred thousand tons of shipping in the trade. The whole amount of our foreign tonnage being 854,000, Great Britain employed in this trade a quantity of tonnage equal to one-eighth of the whole tonnage which we own in foreign trade. It was a desirable thing, certainly, if we could, to participate in that employment of shipping. In doing which we should create a navigation, and educate and bring forward the seamen who are to defend us on our shores and on the high seas, and employ our own manufacturers, mechanics of all kinds employed in shipbuilding, &c., in that proportion which such an addition to our navigation will require. The articles exported to the West Indies, Mr. S. said, were rice, flour, lumber, corn, horses, mules, cattle, poultry, potatoes, peas, beans, &c., all articles to them of the first necessity, and without which they could not support themselves, nor find materials wherewith to make hogsheads and construct buildings. If they could not get these articles from other countries, they must come to us, and must, if this bill passed, be coerced into admitting us to a participation of that navigation. Could they, he asked, get those articles in other countries? Certainly not upon equally, nor anything like equally, advantageous terms as from us. At this time, had such a law as this have been in existence, the West Indies, as to the whites as well as blacks, would have been actually in a state of starvation; for Great Britain, herself, was so much in want of breadstuffs, as to have been petitioned to open her ports to certain articles, and of course was not able to supply her colonies. He doubted whether, even with good crops, the mother country could supply them with flour, &c. At any rate those articles never could be imported from a distance into the islands in as palatable a state as from this country. Could the islands get these articles elsewhere? It had been stated—and we ought to look at the subject in every point of view, said Mr. S., that gentlemen may vote advisedly—it has been stated that if Montreal was declared a free port on the part of Great Britain, she might thence obtain supplies for those islands; since it is well known that a great deal of flour is made in the neighborhood of the St. Lawrence, which might, in that case, go down to Montreal, and be thence shipped to the West Indies. Mr. S. said he was of a contrary opinion. It might be apprehended that much flour might be got in that way, (which the bill did not provide against,) but for the fact that from thence but one cargo a year could be carried to the West Indies, the ports being shut up in the Northern provinces for six or seven months yearly by the ice. The time the ports were open was little more than was sufficient for one voyage to and from the West Indies. From Canada then they cannot be shipped, and must be supplied elsewhere. That elsewhere, Mr. S. said, they would scarcely be able to find. The article of rice, he said, they could get no where but in America. Indian corn, likewise, they would get no where but from the United States—that article was for their slaves all important. It might be said they could raise it as well as we. It was true that they could; but, if they did, they must take off the slaves and land from a more profitable culture—that of coffee and sugar. They must lessen the growth of valuable articles, in order to grow one of small value. As to the article of lumber, gentlemen from the East had said, the British islands could be supplied from the United States only with that article. On this point it would be proper to state, Mr. S. said, that there was no finer timber than grew on the borders of the lakes, and on the banks of the St. Lawrence, and Montreal could be supplied thence on good terms. The merchants could go up there and buy timber, to be shipped to the West India islands, whenever the St. Lawrence should be open. If they did, however, the article would be supplied at a greater expense and higher price then it could be from our Atlantic border, inasmuch as we could make four or five voyages annually, and scarcely more than one could be annually made from the St. Lawrence to the West Indies, which would greatly increase to them the cost of the article. The article of live stock they could get from no country but ours; on which, Mr. S. said, they are wholly dependent for horses, mules, cattle, sheep, hogs, &c. Even if these articles could be obtained from the British Northern colonies, they could not be thence carried in safety to the West Indies. Even from the neighboring State of New York, the difference of insurance between a cargo of live stock from that State, and one from Connecticut, and carried by Connecticut men, was six per cent. So great was the facility and skill acquired by practice in that branch of trade, &c.

These, Mr. S. said, were his practical views of the subject, which he had thought it his duty to lay before the House—leaving to others to state more at large the political views.

For his part, he said, he had revolved this subject in his mind a long time, and had found it very difficult to make up an opinion on it. One thing was certain: We ought not to embark in the proposed system, unless we mean to persevere in it. After once commencing, we ought to adhere to it, let the consequence be what it might. If we retract, we throw ourselves back into a worse

state, than we are in at present. If we maintain the system for a year or two, until the convention of commerce expires, we may, with this act in our hands, make some bargain with the British Government to the advantage of our trade and navigation. The subject, said Mr. S. is well worthy the closest attention of gentlemen. Mature it well in your own mind, and then decide as shall appear correct. If you reject the bill, what will be the consequence? Great Britain will say that you acknowledge yourselves unequal to the contest, and that she may dictate to us, bound hand and foot, what trade we shall pursue. This alternative was a serious one; and the whole question such a one as he should not be surprised if gentlemen found much difficulty in making up their minds upon. It might be said, and no doubt would, that it was a great sacrifice to part with a customer to the amount of six millions per annum. If those articles now exported to the colonies would spoil on our hands, then certainly, Mr. S. said, Congress ought not to pass this bill. If, however, they could be sold to other countries, and would not rot on our hands, that objection to the bill does not exist. As for our breadstuffs, other countries would forever demand them from us, and we should be at no loss for a market. They would demand from us every article save the live stock, which we now export to the British West Indian colonies. The effect, indeed, would be, if all trade should continue interdicted with the colonies of Great Britain, that those articles exported hence to those colonies in British ships, would be carried in our own ships to other countries. Our idle shipping would be employed; the manufacture of ships (the noblest in the world) would be encouraged, and the thousands of mechanics whom it employs, kept employed; and our seamen, to whose bravery and character during the late war we are so much indebted, fostered and retained in our service. Mr. S. concluded by thanking the Committee for their attention to his remarks.

Mr. Cady, of New York, said he did not know what construction had been given to the convention of commerce between this country and Great Britain; but, unless some construction had been given different from its letter, the first section was in direct contravention of that convention. Mr. C. said he could find no provision in that convention, which leaves us at liberty to prohibit the entry of British vessels in our ports, or to impose additional duties on the tonnage of British vessels from any port on earth, unless the West India islands, or British North American possessions. We may tax the cargo, he said, but cannot impose restrictions on their entry. Under the provisions of the convention, if a British ship arrived from Liverpool, with a cargo of sugar and molasses, we cannot prohibit her entry. But, under this bill, if such a vessel has on board a single cask of Lisbon wine, she might be denied the right to enter into our ports. If so, Great Britain would have the same right to deny the right of entry, in her ports in Europe, to any American ship which had on board a single cent's worth of her cargo which did not originate in America. The bill again contravened the convention, as Mr. C. conceived, where it denied to a British subject, residing in Jamaica, the right to enter our ports with his vessel and cargo, although the whole cargo might have been manufactured in Liverpool, &c. He believed that, on examination, it would be found that there are many provisions of this bill, which ought not to pass.

Mr. Clay (Speaker) said that the honorable gentleman was certainly mistaken in his interpretation of the treaty. The two great objects of that convention were, it was true, 1st. To place the tonnage of the two countries on a footing of equality in each other's ports; 2dly. To place the cargoes with which the ships were charged, whether in English or American vessels, on the same equality of footing. But an express clause was contained in the treaty, that nothing contained in the second article should be construed to affect the intercourse between us and the West India islands, and the British North American provinces. It followed, from this provision, that if the productions, for example, of the North American or West Indian colonies of Great Britain were carried to Great Britain, it would be lawful for us to interdict those productions from being imported in that circuitous channel into the United States. Otherwise, each party would not be, as provided by the convention, in possession of all its rights in relation to that intercourse.

But, further, the interpretation of the gentleman would lead to a repeal of an important feature of the British navigation act. One of its principles was, that the productions of a country should be confined, in their importation into her European ports, to the ships of that country; that American vessels, in other words, shall not carry into Great Britain the productions of France; and the very case which the gentleman had stated, would, under the British navigation act, subject a vessel to confiscation in the British ports. If an American vessel carried a single cask of the productions of the West India islands, the same confiscation would ensue.

Besides that view of the subject, Mr. C. said he had understood that, subsequent to the passage of the act of Parliament for regulating trade in pursuance to the terms of the convention of commerce with us, the British Government had, in some manner, regulated the terms, as to their cargo, on which American vessels should be admitted into her ports. Mr. C. said he did not know whether the enlarged construction which the gentleman from New York had given to the treaty, might not be beneficial. But, whether or not, that was not the construction of either of the parties to the treaty, and Great Britain had herself acted on a different principle. Mr. C. said he indeed considered it the duty of Congress, in consequence of one of the provisions of that very treaty, to take up this trade, and regulate it in such manner as the interests of this country appeared to require.

Mr. Cady said that any such construction (as

the SPEAKER had referred to) given to that treaty, had been unknown to him. What he had contended for was, that we should not be the first to give that construction.

Mr. KING spoke briefly but decidedly in favor of Mr. CLAY'S construction of the provisions of the treaty.

Mr. SHEFFEY, of Virginia, after adverting to the question respecting the treaty, in regard to which he expressed his doubts, proceeded, as he said, to make one or two remarks on the merits of the bill. He thought, on general principles, that it did not become a wise Legislature, on every difficulty, to attempt to apply remedies. We have at this moment a clamor of the mercantile part of the community in favor of this measure; but it was questionable, Mr. S. said, whether the existing difficulty did not arise from causes beyond the control of this Government; whether it did not arise from other causes than our exclusion from the British West Indies; whether it did not proceed from the general peace, which had changed the commercial relations of all countries. In his mind, Mr. S. said, it was not wise to attempt to apply remedies, the effect of which we cannot calculate. We ought to sit down and deliberately consider consequences before we attempt to apply remedies to evils, the origin and nature of which, especially, gentlemen did not seem to understand. The principle involved in this bill, Mr. S. said, again brought before the House the question of coercion by commercial restrictions. He thought we ought to be satisfied on this head by a reference to the situation in which we were placed in 1808 and 1809, when we attempted to drive Great Britain from a temporary policy by measures of a similar character. Had we, he asked, been able to effect it? The history of the times showed that we had not. He demanded of gentlemen whether, after failing in the attempt to drive her from an occasional policy, growing out of particular circumstances, they could expect to force her from any part of her navigation system, to which she is so entirely attached, and which she considers so important to her prosperity? He understood, too, that this measure was to apply not only to England, but to all European nations, since all those nations ordinarily pursued the same policy of monopolizing the trade to their colonies. The spirit of the colonial system, everywhere, was monopoly. Although at this moment it was not enforced in regard to the colonies of France or Spain, it did not follow that, after the tranquillity of those countries was perfectly restored, the old system would not be again pursued, by the same nations, of excluding foreigners from the trade with their colonies.

Is there any hope, said Mr. S., that we shall succeed in this warfare? I think there is none. But there is a great evil in a course like that proposed. Commerce will be diverted from its natural channel; the nations which have been in the habit of supplying you, and taking your products in return, will seek other markets. You have experience of it. Did you starve the British in 1807, 1808, and 1809? Were they on the contrary not supplied as abundantly with the necessaries of life, after the first shock was over, as ever they had been? If Great Britain should, in consequence of our policy, encourage the culture of those articles we were wont to furnish, Mr. S. said we might find ourselves in a year or two in this condition; that the country would be cut off forever from so much of its market, for the surplus products of its agriculture. He should like to hear, he said, from the honorable gentleman from Maryland, whether the productions of the country which now take that direction will hereafter go to the West India islands, if this policy was pursued. No, he said; for the moment the other Powers of Europe could also carry into effect the colonial policy, they would; there was a disposition manifesting itself among the potentates of Europe to cherish commerce by every means in their power, and they would certainly not neglect this.

I warn gentlemen, said Mr. S., how they begin to tamper with commerce. The same spirit of tampering exhibited itself in 1805 and 1806. It was brought about by the same means, the clamors of the mercantile and navigating interests, though the moment measures were adopted to comply with their wishes, they clamored as loudly against the Government. What, he asked, would be the consequence of this measure, if adopted? The interest of the great body of the country, he said, appeared to be totally neglected here. We hear nothing of the interest of the agriculturists, but it is fashionable to talk about the interests of the merchant and the manufacturer, while the planter and farmer is either forgotten, or remembered only to be made tributary to these classes so inferior in real value and importance. You will have a free port established, said Mr. S.—say St. Thomas. What will be the consequence? This will answer the purpose of the merchants; for, as to them it matters not whether they go to English ports with their cargoes of your produce, or to St. Thomas's; their freight will be the same to one as to the other. The British ship owner also will be served, because his navigation will be employed in taking our produce from St. Thomas or whatever may be the free port. The consumers, the great body of the landed interest, have to pay double freight. Such will be the natural tendency—such the effect of your policy. All parties will be satisfied, to the injury of the agriculturist.

As respected our own products, Mr. S. said, we ought to take a lesson from the experience of 1809. Our produce was then taken to Lisbon and thence elsewhere; but the greater part of it had to pay double freight—and such would be the effect of this system, which would however as effectually stop the clamors of the navigating interest, as if the colonial ports were open. The consumer would have to pay for it.

He was struck, he said, with the inconsistency of the gentleman from Massachusetts, who complained so much of the British policy of interdicting our vessels from her colonial ports, and

in the next breath contended that the loss of that commerce altogether would be unimportant, since we got nothing from them but sugar and rum. [Mr. King here explained.] If the West India trade was important, Mr. S. continued, we ought not to sacrifice it easily; not to make experiments which will certainly deprive us of it temporarily, if not deprive us of it forever. And, if it be of no importance to us, there could be no necessity of making a rout about it. If we even get nothing from the West Indies but rum and sugar, we get the same or nearly the same in value as we carry there of our produce, that is, nearly six millions of dollars. Mr. S. said he had no hope of coercion; he was certain it would not do, but the experiment would ultimate exactly in the way which he had anticipated.

While up, he said, he would refer to the manner in which different interests were treated here. Last year the agriculturists were taxed for the support of the manufacturing interests; this year it is proposed to tax them for the benefit of the navigating interest. Meanwhile, potatoes and other provisions are *imported* here from Ireland, and corn is carried from the West Indies into Connecticut. Is a word said about the interest of the agriculturist? No; agriculture is obliged to take care of itself, and in every instance is made tributary to classes of an inferior character.

Before he sat down, he would say a word or two as to the course which he conceived the councils of this nation ought to pursue. It had been said, in reference to the navigation act of Great Britain, that her policy should be ours. It had been foreseen, Mr. S. said, by her statesmen, as long ago as the time of the Commonwealth, that Great Britain was to become a great nation by means of her navigating, and not of her agricultural interest. Those men, seeing their true policy, had taken means to cherish and foster that great interest of their country; they had not made the great interest of their country subservient to the inferior ones. Gentlemen told of the policy of other nations, and invited the House to imitate it. Mr. S. said, they spoke of nations wherein commerce was the great interest, to which the landed interest was subservient. Such, he said, was not the situation of this nation. Here commerce was subservient to the landed interest—was, as had been well said by one of our great men, but the handmaid of agriculture.

Another idea had been broached, that we ought to encourage navigation as a nursery for our navy. If we took the same course, Mr. S. said, we should certainly run the same career as the nations who have preceded us, and terminate that career as every nation had that had commenced it. With all her maritime power, what is Great Britain? Would any man in this country agree that we should change conditions with her? Certainly not. He was not for discouraging naval enterprise, nor opposed to a navy, but not in favor of a navy to the extent of that of Great Britain. He wished not to see the nation cursed with a debt, which would bow its latest posterity to the ground. I am, said he, for a limited navy. I am for a commerce such as will maintain itself, without taxing the great body of this nation for its benefit.

Mr. Clay made some remarks in reply to Mr. Sheffey's view of the construction of the treaty, as affected by this bill.

Some further amendments having been made to the bill—

Mr. Jackson, of Virginia, said, he had hoped that some gentleman would have anticipated him in the motion which he felt himself under the necessity of making. He could not help, he said, in the examination of this subject, taking a review of the scenes through which we have passed for the last ten or eleven years. In 1806, he believed, the merchants of the country, uniting, as with a common impulse from every quarter, laid their memorials before Congress, urging them, in consequence of the interruption of the colonial trade, to adopt some regulations which should restore to them the enjoyment of rights violated by the British practice, and pledging their lives, their fortunes, and their sacred honor, to support their country in the legislative warfare then commenced and carried on at their solicitation. The moment the difficulties growing out of the measures thus adopted began to press upon the country, said Mr. J., and the necessity appeared (to use the language of a gentleman lately in debate) of toeing the trig, and standing there at all hazards—of entering into the contest with caution, but, being in, of acting firmly—they abused their Government, abandoned its cause, and traitorously turned their force and power against the country. I am unwilling, sir, to enter on a scene similar to that; to engage, at the instance of the same men, probably, in a course of policy fraught with consequences of the first importance, after the experience we have had from the source I have mentioned. I would be the last man in the House or the nation, indiscriminately to condemn the merchants; there were some who committed themselves on the occasion referred to, and redeemed the pledge they gave. I speak of the great mass of them, who did most traitorously abandon the Government, which, in supporting them, had advanced to that point whence to retreat was irretrievable dishonor, and when the support of the whole country was wanted.

At one time, said Mr. J., we find the merchant not willing to impose high duties on foreign productions, as urged by the manufacturing interest, because they will have the effect to injure trade, and diminish the revenue of the country, and deprive them of the profit of legitimate voyages entered into when no restrictions or higher duties were anticipated; and, when they have obtained a redundant supply of the same articles, urging you to increase the duties on exportation, in order to have the greater benefit of their speculation. It had been justly remarked, Mr. J. said, that the interest of the great body of the nation—the agriculturists—was never consulted; they were the great passive beast of burden, bearing all the weight imposed upon it, and asking nothing of the Government, in their boldest prayer, but to be let alone. Mr. J. said, he must yield to the

pressure of a severe cold, and not proceed further in his remarks. He moved to strike out the first section of the bill.

[After some conversation Mr. J. agreed to withdraw this motion for the present, to give an opportunity to Mr. FORSYTH to try the sense of the House on amendments he desired to propose to the bill.].

Mr. KING rose to remark upon Mr. JACKSON'S allusion to the merchants having traitorously turned their force against the Government. Let me, said he, ask the gentleman to turn his attention in this respect to the conduct of a whole State in the South. Let me point his attention to an armory built on the banks of James river, for the express purpose (as avowed by an honorable member from that State) of opposing the Government by force of arms!

Mr. FORSYTH, of Georgia, proposed as a substitute for the bill, sundry new sections, embracing a system of discriminating duties, to supersede the clauses of prohibition and exclusion, embraced in the bill, and proceeded, though much indisposed, to assign his reasons for a preference of this mode of counteracting the British colonial regulations, over that before the Committee, and which would, perhaps, induce him to vote against the bill, should his amendment not eventually succeed. The object of either of the two systems would be to produce, by conventional regulation, or otherwise, a relaxation of the colonial system in that particular from which our navigation suffers.

The effect on the British colonial system would be the same, whether duties or prohibitions were imposed on the trade now carried on in their vessels with their colonies. But the effect of the two courses on this country would be very different. The absolute prohibition of all exports to the British West Indies, (which would be the effect of this bill,) would strike off at once six millions of our exports. It might be said that these exports would go to some other ports of the world; that the enterprise of our merchants would find a market. It might be so, Mr. F. said, in the course of time; but the immediate effect would be an extraordinary pressure, and he thought an unnecessary pressure, on the agriculture and commerce of some parts of the country. So far as respected the immediate interest of the agricultural portion of the community, it was a matter of perfect indifference, whether that trade was carried on in vessels of the United States, or in foreign bottoms; and any sacrifice they might make in this respect, to the navigating interest, would be gratuitous. If they agreed, then, by their Representatives in Congress, to impose excessive duties on this trade, as now conducted, it was as much, Mr. F. said, as those interested in navigation had a right to expect. For his part he was willing to make the experiment of heavy duties, but he was unwilling to prohibit the trade entirely.

There would also be a wide difference in the operation of the two systems on the British colonial possessions. If we prohibit the trade entirely, we might do exactly that which the British Government wishes. The whole colonial system of Great Britain was founded on the basis of encouraging the commercial and navigating interest at every expense, and the wishes and inclinations of the colonies weighed not a feather in the balance. At this time the West India islands suffer nothing, and the British navigating interest is fostered and promoted at our expense. No complaint was made by the inhabitants and proprietors of the British West India islands against the operation of this system, because it did not affect them. By imposing duties on the trade, however, a pressure would be produced, which would compel them to resort to remonstrances to the British Government, and which, severely affecting the interests of the proprietors, resident in England, might be expected to produce an effect on the ministry, &c.; and such duties, instead of operating injuriously on our own commerce, would benefit the revenue at the expense of the colonies, and, through them, at the expense of the British nation, &c.

The blanks in the amendment proposed by Mr. FORSYTH, having been filled—

Mr. JACKSON, of Virginia, rose in explanation on a point which had been incidentally introduced into debate. He had, when up before, referred to the analogy between the state of things at this day and in 1806, and stated that the merchants then came forward in mass with their memorials, urging Congress to take an attitude of resistance to the policy of the British Government, and pledging their co-operation; they had even gone so far as to talk of war, and recommended it in preference to a submission to the then existing state of things. In referring to them afterwards, though he had drawn a distinction between the highminded merchants and those of another description, he had said that the latter had traitorously abandoned the cause of their country, and turned their force and power against it—not meaning that they had opposed their Government by force of arms, but by that moral force, the co-operation of which is indispensable to carry this Government through a war. If men in that situation of life told the community that the Government was taking a wrong course, many would believe them, and they thus subtracted from the Government a vast portion of its moral power. They, therefore, Mr. J. said, had traitorously abandoned the ground on which they had pledged themselves to support the Government, and so far turned their force and power against it. He should not have risen, however, but to put to rights a statement which he understood to have been made on another point, and to which the gentleman from Massachusetts had just referred; that about the years 1799–1800, the armory authorized to be built by the State of Virginia was intended to manufacture arms for the purpose of opposing the constituted authorities of the nation. Sir, I appeal to your recollection, (addressing Mr. BRECKENRIDGE, Chairman of the Committee,) for we were then in the Legislature of Virginia together, whether the fact was so—

Mr. Randolph, of Virginia, asked Mr. Jackson whether he referred, in his observations, to any statement said to have been made by him on this floor? And Mr. Jackson having intimated that he did—

Mr. Randolph asked the opportunity to make an explanation on the subject; and, he said, he knew not why he did so, for it was full as probable what he said would go abroad not in the shape in which his declaration was made on this floor, the second and the third time, as it had done the first. He would recapitulate—and he referred to the father of that institution, (the armory,) John Taylor, of Caroline, for his correctness on this point. The first time, said Mr. R., that I ever dreamt of being a public man, by election to a seat on this floor, to which I did succeed, I was combatted at Charlotte court-house, and publicly attacked on the ground the gentleman has mentioned, by one of that very numerous class of persons who at that time were staunch Federalists, and since that time have been staunch Jeffersonians, Madisonians, and Monroites, and I have no doubt will be Vicars of Bray to the end of the chapter—one of those persons who said that we are the sepoys, the native troops, and they the proper officers—one of those apostates who are taken in so many instances to the bosom of the political church to which they have apostatised. I was asked, by this person, if I justified the establishment of the armory for the purpose of opposing Mr. Adams's Administration. I said I did; that I could not conceive any case in which the people could not be intrusted with arms; and that the use of them, to oppose oppressive measures, was in principle the same, whether those of the Administration of Lord North, or that of Mr. Adams; that administration, the object of which I had no doubt then, and I have none now, was to change the Constitution of the United States in fact, as it is now changed in substance. If it had continued to persevere in that course of conduct which had given just alarm to the wisest and best men in this country, and particularly in Virginia, Mr. R. said, he had no doubt it would have terminated in an appeal to arms; and it would have done so on the principles of the Revolution of 1688, and of the Revolution of 1776, neither one nor the other of which took place on any other principle than resistance of the encroachments of Government on the rights of the people. At that time, and subsequent to it, Mr. R. said, he understood the temper of the Virginia Legislature (without meaning to say better) as well as the gentleman who had just sat down. My declaration was, said Mr. R., that the armory was erected to furnish the people with arms to resist Federal usurpation, provided the Federal Administration had continued in that career of oppression which it had commenced. Those were his words, which, he said, had been somehow cut off from the main body of his declaration. But he hoped he was not understood to say, that, though in time of peace the State of Virginia was prepared to assert the rights of that ancient and venerable Commonwealth, which after having hoisted the flag that braved the battle and the breeze; the flag that braved Lord North, was not going to succumb to John Adams—which had been then, and now was, as ready to resist the encroachments of this Government, as she was or ever had been to resist the Parliament and Ministry of Great Britain; he hoped he was not understood to intimate that he or that State was disposed to turn the extreme medicine of the Constitution into the ordinary diet—he was no abstract politician. Abstract measures in Government, he said, were what decisions on cases *coram non judice* were in a court of law. Make out a case, said he; let me see the patient; if he went to a tailor to be measured for a coat, he went to a man who would take him as he was, ill-shaped and ill made-up, not to a man who had but one measure for all statures, and that measure from no living man, but from some fancy of the beau ideal—from the Irish giant or the Polish dwarf—he hoped, he said, he had not been understood to say that, when the enemy was at the door; when his foot was on the soil; when the country was invaded; when Hannibal was knocking at the gates of Rome. No, he never did mean to say, that, under those circumstances, the State of Virginia would pitch upon that time to array herself against the General Government. No, he said, she would fight out the war, and settle the quarrel afterwards. Her uniform policy showed that that was the course which she would in such circumstances pursue. With respect to an honorable assembly, which had been spoken of in this House and out of it—the Hartford Convention—as opposed to the Richmond bayonets, he meant to be on the side, not only of the bayonet, but of the Richmond bayonets. Bring that question ever before him, as an individual member of this House, or as a man, and he would take the Richmond bayonets, to use a sporting phrase, against the Hartford Convention.

Mr. R. said he meant not to deny the right of any State in the Union, Rhode Island, if you will, to assert its rights against the General Government, any more than the right of the people of Virginia to assert their rights against their Government. It was a great revolutionary principle, and he was sorry to say it was at work. He had, he said, but one favor to ask of any gentleman on this floor—to take the words he employed, not a gloss or false misrepresentation of them—which he was sure the gentleman last up had not the least disposition to do. I do say now, said Mr. R., that if the Federal Administration did not halt in its career of usurpation of the liberties of the people, and the Constitution of the country, the State of Virginia was disposed to stand on the bank of the Potomac, and defend that parchment against the bayonets of those who were willing to burn that parchment at the point of the bayonet. But it was not combustible; the conspirators against New Orleans, from above, succeeded no better than its assailants from below; instead of burning the parchment, sir, they burnt their own fingers.

Mr. Jackson said, he was glad of the explana-

tion the gentleman had given. I am myself, said he, one of the last men in the nation who would quote what comes from newspapers, because misrepresentations occur in them—often accidental, sometimes intentional. But, in our domicil, this day, the gentleman from Massachusetts, reciting what I understood as the amount of my colleague's declaration, asked me whether Virginia did not build an arsenal for the purpose of manufacturing arms, expressly to oppose the constituted authorities of the country; from which, I understood him to convey the idea that such was the statement that had been made on this floor.

Mr. RANDOLPH explained. He did believe that nothing but the awfulness of the times had induced a majority of the Virginia Assembly, at that period, to have launched into so expensive an undertaking as the establishment of the armory. The fair and alleged use of that institution was to arm the militia. Who could object to it? Who would say that freemen had not a right to arm against John Adams and his provisional army, *fruges consumere nati*, provided they had gone on in their course of usurpation? When he had made the remarks referred to, it was on an amendment to the Constitution, going still further to narrow the limits of State rights, &c.

Mr. JACKSON said, having a distinct recollection of the circumstances of the case, he should proceed with his statement. In the year 1798, said Mr. J., General Wood was the Governor of Virginia, who had been a general officer during the Revolutionary war, but always was, during his life—though standing high in the confidence of the Republican party—an unequivocal Federalist, in the usual acceptation of the term. During his administration, the Legislature authorized the purchase of arms. About that time, Mr. J. said, that he (quite a boy) had been elected to the Legislature, and then first took sides; for, anterior to that time, with the exception of a few distinguished men in Congress, and with the exception of the British Treaty question, the people were not divided into parties. The Governor had contracted with Swann, of Boston, who had delivered at Richmond 4,000 stand of arms, at $13 each—the whole costing $52,000 annually. These arms had been found worthless, on trial, having been purchased in Europe, the refuse of armories and shops there, on speculation. The Legislature, in consequence of that state of the fact, and desiring to provide arms for the State—a measure which had always been a subject of anxiety with General WASHINGTON, without reference to the state of the times; if any such views were entertained, Mr. J. said, he was not let into them—had enacted a law authorizing the establishment of an arsenal at Richmond, in order to get good arms instead of bad. In the next year, (1800,) Mr. Monroe succeeded to the Chair of the State government. Party division was at its crisis. The ferment eventuated in the adoption, by the Legislature of Virginia, of the general ticket system, and Mr. Jefferson succeeded to the Presidency. The armory had been, ever since that day, in operation; and Mr. J. said he never had, until he had heard the suggestion on this floor this morning, (referring to what his colleague had said on a former occasion, in the absence of Mr. J.,) heard a single individual intimate a disposition to oppose with arms the constituted authority of the Government. John Taylor, of Caroline, was a popular man, at the head of the Democratic party, in the Virginia Legislature, in the year 1798. But, if he or any other of the friends of the armory had any such intention as had been referred to, they had concealed it from the majority; and it had not, to the knowledge of Mr. J., been avowed by any person. As proof of the disposition of Virginia to acquiesce in the execution of the laws, however oppressive, of the General Government, and to resist them only by the Constitutional means of election, Mr. J. said he might refer to the fact, that during that period, the sedition law had been carried into execution in the Capital of the State. True it was that Callender had traduced the Founder of the Liberties and the Father of his Country, but his demerit did not change the character of the sedition law; and the same temper of respect for the law would, in all human probability, have existed, if the punishment of the sedition law had been inflicted on the first man of the State, instead of the vilest miscreant.

Mr. RANDOLPH apologized for troubling the House again, which he should not have done, had not his name been brought into question by two gentlemen on this occasion. He saw now before him, he said, a son of one of those men, to whom he could on all occasions have appealed, who never minced his declarations—never stopped short of the extent to which he was willing to go—never looked one way and rowed another. The times, he said, had been awful at the period referred to. It was certainly true that John Taylor, of Caroline, (a name which would live when many, if not all, of this Assembly were forgotten,) was the father of that armory, which—not meaning to impeach the statement of the gentleman over the way, (Mr. JACKSON)—was built, not so much because of the badness of the arms, as because it was proper for the State of Virginia to keep in her possession the means of arming the militia, rather than depend for her supply on contracts which the United States might stop. The persons who were active in the establishment of that Armory were long-headed and clear-sighted men. Mr. R. said, he was afraid some of the arms since made by the armory were not much better than those supplied by Swann—but that, by the way. John Taylor, Mr. R. said, was the father of the general ticket law of Virginia. He had drawn it, supported it, and had, by Divine permission, made Thomas Jefferson President of the United States. That law had passed but by five votes. At the time, said Mr. R., that I was elected against an opposition raised upon the very ground of a disposition on the part of those with whom I was politically connected, and of myself consequently, to oppose the administration of Mr. Adams by force, Patrick Henry was elected to the Assembly by that part of Charlotte

county which then supported the Administration. For, so far from knowing nothing of parties, if I were to specify the time in this Government at which they run highest, I should say in 1798–'99. I leave you to judge, sir, who knew the man, what chance the general ticket law would have stood, had Patrick Henry lived to have taken his seat. Five votes! Mr. R. exclaimed. Patrick Henry was good for five times five votes doubled, in that body. Patrick Henry, said Mr. R., arrayed himself on the side of what he called the Constitution. I heard the last speech he made. He told the people they had, against his voice, made over the purse and the sword. He was a practical politician, and knew, that where these were given away, very little was retained. He saw and depicted, in clear and vivid colors, the danger of a civil war. It would not do for me to attempt to say what, much less how, he spoke to the people. I will only say, that when General Washington died—in whom all had confidence, but we did not choose to risk our liberties on his life—the first words that escaped the lips of [name not heard by the Reporter] were, "Then is Alexander Hamilton Commander-in-Chief of the American Army!" He was of high-toned politics: we were afraid of him. We did not then know, that he who was next to Mr. Taylor in the Legislature, had, in the Convention, advocated a system as high as Alexander Hamilton's, and perhaps a key or two higher. When this thing took place, I had the honor of being charged on the hustings and in the court-yard with being a Frenchman. I had the honor of being thus charged by the same individual, and the same description of persons who have since done me the honor to charge me with being an Englishman, because I have acted with the same regard to the rights of the people and of the States in opposing one Administration, as I had done in opposing their predecessors. No man in the United States, perhaps, had been more misunderstood, no man more reviled—and that, Mr. R. said, was a bold declaration for *him* to make—than Alexander Hamilton; unless, perhaps, the venerable member from Massachusetts, (Mr. Pickering,) whom, whatever may be said of him, all will allow to be an honest man. The other day, said Mr. R., when that honorable member was speaking of his own situation on the compensation question—when his voice faltered and his eyes filled at the mention of his poverty—I thought I would have given the riches of Dives himself for his honorable feeling—when he spoke of his poverty, (not that of excess, or of extravagance, but an honest poverty,) after a long and laborious service in the highest offices of the Government. If the gentleman would take it, said Mr. R., I would give him what little I have, to have inscribed on my tomb, as he may on his, Here lies the man who enjoyed the confidence of Washington and the enmity of his successor!

Mr. Pleasants, of Virginia, said, if he recollected the statement of his colleague on a former occasion, which had been referred to to-day, it was something like this: that it was now pretty clearly ascertained that the armory established on the banks of James river was intended to oppose the administration of John Adams, if it went on in its mad career. Mr. P. said, he did not know how that fact had been ascertained. It was a certain fact, that the men who had the principal agency in the establishment of that armory, had most unequivocally disavowed that intention. I was then, said Mr. P., a young man, ardent and zealous in the cause which I then thought, and now think, the right cause. I put more confidence then in the gentleman to whom I refer, than I would now do in any man. I was a member of the Legislature in 1797—the first year an appropriation for arms was made—and in the four following successive years. I perfectly well recollect, in the discussion of the resolutions which made so much noise then, and have since been frequently referred to, John Taylor of Caroline was expressly charged by General Henry Lee, then a member of the House of Delegates, with intending to bring on these measures and the armory, &c., together, and that the armory was in reality intended to oppose the Federal Government; that, whatever other color might be put upon it, this was the object. I never shall forget Mr. Taylor's reply, when, as I understood, in direct allusion to General Lee's situation, his former occupation, and supposed circumstances, contrasted with his own situation, he turned to General Lee, and asked whether *he* was the man who might be expected to seek redress for present evils in a civil war? Were his circumstances so desperate, he asked; was *he* the great military leader who was likely to desire civil commotion, &c.? The force of these remarks was felt; for, in addition to the circumstance that his situation was in an eminent degree prosperous and happy in private life, I never did believe Mr. Taylor was that kind of a man, who would seek redress for political grievances by revolution; nor do I believe that he ever expected the muskets manufactured in that armory to be employed in a civil war. If he had thought so, I do believe he never would have used his influence to have had an appropriation made for that object. If he had have done so, he would not have succeeded, had those intentions been avowed. He most emphatically did disclaim, as I do now, any such views. In regard to the general ticket law, there was in that Legislature a man who had much more influence in procuring its passage than Colonel Taylor—I mean the present Chief Magistrate of the United States. I do not believe that all the united force of its advocates would then have carried the measure through that body, but for the weight of character of James Madison.

Mr. Lumpkin, of Georgia, moved that the Committee now rise; not that he desired to take any part in the discussion of the bill, but in the hope that the House would to-morrow recommence the discussion of the question actually before the Committee, and have done with matters which had no sort of connexion with it.

And the Committee rose accordingly, and the House adjourned.

FRIDAY, January 31.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act to provide for the prompt settlement of public accounts," in which they ask the concurrence of this House.

The bill was read twice, and committed to the committee appointed on that part of the President's Message which relates to the office of Attorney General, and to the establishment of an additional Department.

The SPEAKER laid before the House a report of the President and Directors of the Washington Canal Company, of the amount of their receipts and expenditures, from the commencement of their operations, made in obedience to a requisition of their charter; which report was read, and ordered to lie on the table.

On motion of Mr. JACKSON, the House proceeded to consider the resolution submitted by him yesterday, for the appointment of clerks to committees; and the same being again read, was rejected by the House.

Mr. LOWNDES laid before the House a correspondence between himself, as Chairman of the Committee of Ways and Means, and the Acting Secretary of War, in relation to the expenditures and appropriations for the Ordnance and Quartermaster General's departments; which was ordered to lie on the table.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act to provide for the due execution of the laws of the United States, within the State of Indiana;" and a bill, entitled "An act to enable the people of the western part of the Mississippi Territory to form a constitution and State government, and for the admission of such State into the Union, on an equal footing with the original States;" in which bills they ask the concurrence of this House.

A Message was received from the President of the United States, transmitting to the House an application, by the Minister of France, respecting the long standing claim of the heirs of Beaumarchais; which was referred to the Committee on Pensions and Revolutionary Claims.

COMMERCIAL INTERCOURSE.

The House went into Committee of the Whole, on the bill to prohibit commercial intercourse with ports or places into, or with which the vessels of the United States are not permitted to enter and trade; Mr. FORSYTH'S substitute being still under consideration—

Mr. RANDOLPH said, that no consideration could have induced him to attend in his place this day, in his present condition, except to say a few words rather by way of explanation than reply to his worthy colleague, (Mr. PLEASANTS,) which he had been prevented from offering yesterday by the motion for the Committee to rise. He was apprehensive that he had been mistaken by his worthy colleague, perhaps by others, as having authority from Mr. Taylor for the statement he had made yesterday. If he had been so understood he had been entirely misapprehended. He disclaimed all such authority, either from that gentleman or from his other honorable friend—now no more—to whom he had alluded. Had he been the depositary of their confidence, he humbly yet firmly trusted that he would be one of the last men in the world to abuse so sacred a trust. He did not call in question one word; he believed every syllable that his honorable colleague had uttered. He had said, truly, that he was at that time a member of the Assembly—and he might have added, with equal truth, that no man of his years was in fuller possession of the confidence of that honorable body—a confidence that had grown with each succeeding year—for it was merited. The object of this confidence, so honorable both to the giver and the receiver, was of that happy temperament which exempted its possessor from many of the sorest ills of life. Sir, said Mr. R., I do not believe that my worthy colleague has made a personal enemy in the whole course of his life. I never even heard that he had a political one. This was not the only circumstance, Mr. R. said, in which he differed, greatly to his disadvantage, from his colleague. No misrepresentation of his (Mr. P.'s) language or conduct was within the scope of probability—supposing such, however, to occur, he would never stand in need of defenders. There could be no cause of surprise, therefore, at his (Mr. R.'s) solicitude to reconcile any apparent or conceived difference of opinion with one so generally loved and respected.

Mr. R. said that the only favor he asked at any man's hands who had quoted him on that floor, was to use his very words, and to take them altogether. He hoped that he was not understood as complaining of any unfairness or misrepresentation on the part of either of his honorable colleagues—far from it. He was not in the habit of using words without some definite signification attached to them, and nothing was easier than by a supposed paraphrase of one passage and the omission of another, by which it was qualified or limited, utterly to distort the original meaning and intent of the speaker. What had he said? A question being under deliberation to abridge materially the rights of the States, he had declared that, "by the timely and judicious exercise 'of the very right proposed to be taken away, this 'Union had been saved from incalculable mis-'chief and misery. That by throwing (as she 'had an undoubted right to do) her whole weight 'into the electoral scale, the Commonwealth of 'Virginia had constitutionally effected a change 'of ministry, and checked the mad career of am-'bition and usurpation, which otherwise she might 'have been compelled to resist at the hazard of 'the greatest of all calamities, the abject surren-'der of their rights excepted, that a people could 'endure—of a civil war—for there was no longer 'any cause for concealing the fact, that the grand 'armory at Richmond was built to enable the 'State of Virginia to resist, by force, the en-'croachments of the then Administration upon 'her indisputable rights—upon the plainest and

'clearest provisions of the Constitution—in case 'they should persevere in these outrageous pro-'ceedings." And why had he so said? Because the principles and the men of that day, such excepted whose practice belied their then professions, had been laid aside, and new principles, more convenient for men in power, and new men—men whose names, at that time, and long since, had never been pronounced out of their own parish, had come into play. Mr. R. said he hoped no invidious construction would be put upon his words. He had been of sudden growth himself, somewhat of a mushroom, when he first started up in the world of politics. He stated a fact, without drawing any inference from it.

He had no doubt that Mr. TAYLOR had given a characteristic reply to General Lee on the occasion. He recognised the man in every word that his honorable colleague (Mr. PLEASANTS) had ascribed to him. It was not his (Mr. Taylor's) business to give an advantage to an artful adversary; to injure, by a premature disclosure of ultimate and contingent views, which might not be, and in fact were not, realized, a noble and a holy cause. It would not require the sagacity of a Tacitus or a Hume to divine what were the intents of the master spirits who then swayed the councils of Virginia. The historian of those days would look to their deeds—nor was there anything in the language of Mr. Taylor to mislead a sagacious mind from his true meaning. It would be enough to recollect that the Assembly held its sitting in sight of that very church on Richmond Hill where, in March 1775, Patrick Henry, with a master's hand and prophet's fire, rent the veil that shrouded from the eyes of our first statesmen (himself excepted) the true condition of affairs, and laid open for the first time the necessity of a resort to arms. Nor will it be forgotten that the great measure adopted in 1798 and 1799, was the very same proposed by him twenty-four years before, on the eve of a rupture with the governing head of the empire, viz: arming the body of the people—and who would dare to say that the people were unfit to be trusted with arms?

Mr. R. asked if there was no case in which his colleague could justify resistance against the encroachments of Government upon the privileges of the people or the rights of the States? The question was, like every other question touching human affairs, to be governed by a sound discretion. The Assembly displayed that discretion; they acted under a high responsibility, with a dignity and firmness which had long characterized and he trusted would ever govern the proceedings of that ancient and venerable Commonwealth. They had sagacity to perceive the approaching danger, and wisdom and courage to make timely provision against it. They did not content themselves with resolutions and reports. They were statesmen, not professors in an university. They knew that logic was no match for the bayonet, and they provided bayonets; at the same time taking care to put themselves in the right by a most unanswerable and triumphant appeal to acknowledged facts, and to the great charter of the Confederacy. And, sir, said Mr. R., did Virginia stand alone, in this fearful, this impending conflict of authority, between the parent State governments and this bloated, pampered, overweening Federal Government—this creature of concession from the States, now spurning its creator in the intoxication of power? No, sir, the eldest daughter of Virginia, the eldest sister of the younger branch of this great political family, took the lead even of her venerable parent. John Taylor, of Caroline, had publicly announced, under his hand, that the resolutions of the preceding session of Assembly, moved by him and ascribed to his pen, were drawn by the present President of the United States, then in retirement at his seat in the county of Orange. Sir, (said Mr. R. to the chairman, Mr. BRECKENRIDGE,) I did not stand as you did in the relation of consanguinity to the mover of the Kentucky resolutions, but I was in habits of political intimacy with him, and I assert, without fear of contradiction, that the resolutions moved and carried in the Legislature of Kentucky, on that memorable occasion, sprung from that same vein of rich red land between the Rapidan and James river, which has proved so favorable to the Presidential growth.

Mr. R. said, that when he spoke of the present President of the United States as "next to Mr. Taylor," in that session of the Assembly of Virginia, 1799 and 1800, he did it in reference to the activity and zeal displayed by each in procuring the passage of the General Ticket Law, the great measure of the session, on which the approaching election of President hinged. Did the gentleman recollect nothing of Mr. T.'s leaving the House and going home, which, by some, was construed into a *ruse de guerre* to draw away from the seat of Government members opposed to the passage of that bill, although otherwise hearty in the cause of opposition? Mr. R. had some reason to believe that Mr. T.'s absenting himself on that occasion was the effect of disgust. He returned, however, set his shoulder to the wheel, and the bill was passed. Mr. R. said, that if he felt anything like disrespect for the character of the President, this was a time when he would studiously avoid showing it. He bore testimony to the correctness of his colleague's declaration respecting Mr. Madison's great weight of character and of abilities in the Legislature of Virginia, and added that, as he (Mr. R.) had not been bred an idolator, to worship the rising sun, now that the President had no longer power or patronage to bestow—now that "his orb was sinking temperately to the West," even he would not be deterred from saying of him that he was a great man—for such he unquestionably was in some respects—and he sincerely wished him all happiness in his retirement, as sincerely as he wished it for himself.

Mr. R. again adverted to the state of things in 1798 and 1800. He said that the opposition of that time was guilty of the grossest hypocrisy, if it was not alarmed at the standing army, small

as it was to what we had since seen with approbation. For his part, he felt the apprehension which he had not scrupled to express. He should never forget the declaration of one of the ministerial leaders, the first session that he (Mr. R.) served in that House, that the standing army (upon a motion to reduce it) was necessary to keep the partisans of France in check. Another leader, second in activity and in reputation for influence to none, ventured to hint, not in public indeed, at a partition of Virginia by the Blue Ridge, or by James River, or both. The cry was that Virginia was overgrown; that she was unmanageable, (yes, she was unmanageable, thank God!) that if the country south of James River could be detached from the rest of the State, "the friends of government, of order," that was the language, might cope successfully with the "anarchists," and the south side of James river would not be powerful enough to give much trouble to Administration. Hardly (said Mr. R.) were the designs of the Federal Government concealed. The partition of Poland was decreed, but Poland had turned upon and discomfitted the partitioners. Mr. R. appealed to public rumor at the time, and declared that he had the fact of a design to partition Virginia, and the alleged reasons for it, from his lamented predecessor in that House, (Mr. VENABLE.) Gentlemen talked of "admissions" and "confessions." He had made none—he had none to make—he had no apologies to offer—Virginia stood on her defence—the knife was at her throat—she was to be humbled in dust and ashes, and if she had not resisted, would have richly deserved the chains that were forging for her. Was the contested election, which almost immediately ensued between Mr. Jefferson and Mr. Burr, forgotten? We did not then rely upon the Richmond armory, not yet in operation, but on the United States armory at Harper's Ferry. At that day, when the Constitution itself was put to hazard, rather than relinquish the long enjoyed sweets of power; when the sun rose upon this House, balloting through the night and through successive days for a Chief Magistrate—(he well remembered the scene)—had we not the promise of Dark's brigade, and of the arms at Harper's Ferry, which he engaged to secure in case of an attempt to set up a pageant under color of law to supersede the public will, after defeating the election by the pertinacious abuse, under the pretence of exercise of Constitutional right, to support one of the persons returned by artifice, whom they professed to abhor. General Hamilton had frowned indignantly upon this unworthy procedure, for which he paid the forfeit of his life. The conduct of this great man—for such, although Mr. R. differed with him in many points, he truly was—first opened his eyes to his much abused character. At this period of approaching confusion and general dismay, the President elect—then Governor of Virginia—had deemed it advisable to establish a line of videttes from Richmond to this place. One of his colleagues, then present, (Mr. SHEFFEY,) could tell something about these videttes, having made the expense a subject of inquiry at a subsequent session of the Legislature. Every appearance betokened the breaking up of the Federal compact, when the opponents of the public will, constitutionally pronounced, tardidly and ungraciously gave up their opposition, and Mr. Jefferson was installed.

Mr. R. said that hostility to Virginia was the cardinal principle of the politics of a great variety of descriptions of persons, who agreed in nothing else. Having discernment to perceive that her influence in this Confederacy was owing yet more to the nature of her institutions than to her territory or population, no opportunity was let slip of attacking them. Their stability was not the least part of their value. To strike at them is to aim at the heel of Achilles. It was realizing, too, the fable of the fox who had lost his tail. Virginia must have a new constitution, arithmetical, geometrical, and metaphysical—what you will but common sense and *habit*, worth all the visions that ever floated before the imagination of moonstruck philosophers. Mr. R. entered into a refutation of some of the vulgar errors on the subject of his native State, which prevailed even on the north bank of the Potomac, and would disgrace a Virginia school-boy. The ignorance prevalent upon this subject was scarcely credible, and the mass of these vulgar errors would swell a folio equal to that of the celebrated Sir Thomas Brown. On the exemption of lands from debt, he said the law of Virginia was, with some relaxations, that of England, the greatest commercial country in the world. They had no law impairing the obligation of contracts, whereby a fraudulent debtor, become bankrupt to-day, might drive over his half-shod creditor to-morrow in a splendid equipage. Once a debt, always a debt; once a wife, always a wife, except in very severe cases, when the Legislature did sometimes, but rarely, grant divorce. These were the great outworks of our honesty and morals. And he declared that there was not a country on the face of the globe, where, in proportion to the value of the transactions, so little money was lost by bad debts, or where the standard of female purity was higher.

Mr. BRADBURY, of Massachusetts, said it was with reluctance and diffidence that he attempted to obtrude himself upon the notice of the Committee; but, as the measure now under discussion was confessedly the most important which had been, or probably would be, agitated during the present session of Congress, and as it was one in which his immediate constituents have a deep stake, he felt it to be his duty to submit a few remarks for consideration.

The question now pending before this Committee being on the amendment proposed by the gentleman from Georgia, which is to substitute a bill "supplementary to the act regulating duties on imports and tonnage," &c., in lieu of the bill referred to this Committee, entitled a bill to prohibit all commercial intercourse, &c., or, in other words, to substitute discriminating duties in lieu of a total prohibition of trade, &c., Mr.

B. said he should, in this stage of the proceedings, give his vote against the amendment. I do it, said he, because I believe a majority of the shipping interest whom I represent are in favor of the prohibitory bill, as the measure most efficient and best calculated to subserve their interests, and because, if I had a settled opposition to it myself, which I have not, it being merely doubtful in my own judgment, I would not incur the responsibility of defeating, by a vote of mine, a measure which is deemed essential to the best interests of a highly respectable portion of my constituents. That I should have doubts on this subject, with my limited means of information, cannot be matter of surprise, when those concerned in the shipping interest are not agreed among themselves, some believing the present discriminating duties sufficient, others believing they ought to be greatly increased, and a third class believing nothing will be effectual short of prohibition. But that something ought to be done, is very generally agreed.

While endeavoring to consult this portion of my constituents, I am not unmindful of another class of them who may feel hostile to this measure, under an impression that their interests are to be put at hazard—I mean those who manufacture and furnish the lumber, the great staple of the District of Maine.

No one could be more averse than myself to give sanction to a measure calculated essentially to injure their interests; nor do I believe either of the measures proposed would do it. A temporary depression of the price might ensue, but not an entire loss of the market. The lumber must still be in demand, and the British West India colonies must have it, either in our vessels or their own, directly or indirectly.

That our navigation, Mr. Chairman, is in a state of dilapidation and decay never before known, is, I believe, a fact generally admitted. You have it stated in various ways, and particularly in the petitions which have been presented from different parts of the country during the present session of Congress. It is represented in some of those petitions that foreigners are now our exporters and importers; that instead of being the carriers, as heretofore, of other nations, we are not now the carriers even of our own produce. That while American ships are condemned to lay at the wharves, a heavy tax to their owners, and daily going to ruin, the flag of their rivals rides triumphant in our harbors, and they are taking from our own merchants that trade which once afforded the means of their livelihood and prosperity. To the truth of the existence of such scenes and such sufferings, I can add the weight of my own testimony, from my personal observation.

But should Congress, or any member of that honorable body, be disposed to shut their eyes and stop their ears to the complaints and sufferings of any section of this country, which is not to be presumed, they are called upon to regard them from motives addressed to the interest of the Government—from a regard to the revenue, which springs principally from foreign commerce, and which must be essentially affected by the destruction of our navigation. They are reminded of the importance of cherishing our navigation as the great nursery of our seamen, who are to man that navy, which is the surest means of our maritime defence, and who during the late contest shed so much glory on the American name.

While every one must be convinced of the existence of these evils, they cannot so readily respond to the inquiry, What is the remedy? The Committee of Foreign Relations, who are charged with the subject, have submitted their plan, which is a prohibition of trade with ports and places from which United States vessels are excluded, for which I shall give my vote.

But, Mr. Chairman, we are told that when a new and important measure is to be adopted, (such as the present,) its friends are bound to show that it will produce the desired effect. This, I trust, has been done, in part at least, by those who have preceded me in debate, and to others who may follow, more conversant with the question, and more competent to discuss it, I leave the task of finishing it.

I cannot, however, forbear, while I am up, from suggesting a few remarks which occur to me, and which, if not perfectly satisfactory, may furnish hints which may be useful in the progress of the present discussion.

Mr. Chairman, the value of merchandise, the produce and manufacture of the United States, exported to the British West Indies and their adjacent American colonies in 1816, is stated in an official document at $6,069,900. Now, if the consequence of the measure proposed to be adopted, should be a total loss of a market for so large a portion of surplus produce, and the question was distinctly stated to any honorable member of this Committee, whether, under an impression of such an effect, he was in favor of it? the ready answer of each would be, no. But, sir, will that be the consequence? My answer is, I think not.

The articles which we furnish are principally lumber and breadstuffs—I believe some naval stores and live stock.

Can the British colonies obtain these articles from any other source on as good terms? I believe no one will pretend they can. With all the supplies which may be obtained from Quebec, derived through Vermont, New York, and Canada, and the small supplies of lumber from Nova Scotia and New Brunswick, still there will remain a great deficiency. If this is not the case, how happens it that since the peace, British vessels, in defiance of the existing heavy tonnage duties, have crowded our Eastern ports for lumber?

I conclude, therefore, if the prohibitory bill passes, we shall still find a market for our surplus produce. It must go where it is needed, directly or circuitously. Such a measure will probably induce the British to open one or two free ports, one in the colonies adjacent and one in the West Indies.

If this is done, and the carriage of produce to the free ports be confined to our own vessels, as

it ought to be, our ships will again have employ, under the disadvantages, indeed, of a throng of vessels pressing to these free ports, and liable to produce a glut in the market; but still it may be preferable to the present state of things.

From this view of the subject, I think it may be inferred that the adoption of the measure will not produce the loss of a market for our own produce. Neither, I think, shall we sustain any disadvantage from a loss of the supplies which we now receive from the colonies. They will be conveyed to us through the same free ports. But if not, we are not dependent on the British West Indies for our sole supply of West India goods, rum perhaps excepted, which comes principally from the English Islands. But if deprived wholly of their rum, it would, in the opinion of some, be no loss; and, at any rate, might be supplied by the brandies from Europe, and the spirits distilled in our own country.

Should the prohibitory law not find a support in this Committee, and the amendment be preferred, I shall feel myself bound to support *that*, as the next best measure, provided the rate of duties be not fixed too high. For on this subject my opinion is, that if you mean prohibition and exclusion, the fairest and best course is to pass the prohibitory law, and do the thing openly and boldly.

If you still mean to admit foreign vessels from the ports and places where the United States vessels are excluded, let them come under heavy, but not intolerable, burdens. In so doing, while you tax them to an amount which they are able to bear, you add an income to your own revenue, an important and essential circumstance in a national point of view, and you preserve and continue a proper price and value to our surplus produce.

In addition to these circumstances, I think you will by this measure excite such an interest in the West India planters, as, on some future occasion, may turn to good advantage. The heavy tax on foreign tonnage and goods imported in foreign vessels, must eventually fall on the consumer of our surplus produce in the colonies—so I view it—and, if I am correct, it will operate as a powerful inducement in the West India planters, to use all their influence to obtain a free trade. They now pay, I venture to assert, for every thousand feet of lumber double the price they would pay, if a free trade was permitted to United States vessels, and probably, if not double, considerably more for every other article derived from the United States.

Mr. Chairman, in the course of this debate, the situation of the plaster trade has been described. Though it may appear inconsiderable in the eyes of honorable gentlemen here, permit me to say that it is a trade of considerable value and importance to the section of the country from which I come. A law has passed the Legislatures of the British Provinces, and received the regal sanction, which imposes, in effect, a duty on that article of about four dollars per ton, which is about the first cost of the article, if landed at any place north of Cape Cod. The prime object of this measure is probably to secure to their own vessels the exclusive carriage of the article to the Middle and Southern States, where it is chiefly used; but, if carried into execution, will produce another effect: it compels the inhabitants north of Cape Cod to pay a tax of four dollars per ton, for what may be had in that portion of the country. The law is, however, at present suspended by the authority of the Provincial Governor. But it is justly viewed by the inhabitants of Maine as a most odious measure, and the interference of Congress is respectfully claimed for some defensive countervailing measure, as well to avoid so disgraceful a tax, as that they may participate in the carriage of the article, which now gives employ to 20,000 tons of shipping, and a considerable number of seamen.

In conclusion, sir, permit me to express my most sincere wishes that Congress will duly regard the complaints and sufferings which have been made known to them during their present session, and adopt measures of relief, if not such as are adequate to the demands of the petitioners, at least the best in their power to devise.

After Mr. BRADBURY concluded—

Mr. WILDE, of Georgia, (after a prefatory remark or two not heard by the reporter,) said that Congress were now about, perhaps, to commence regulations, the extent of which, and the consequences to arise out of which, no man could perfectly foresee; and these regulations were advocated on grounds, which certainly he should not contest, but which had not heretofore prevailed among those who now arrayed themselves in the foremost rank in support of the bill before the Committee. Mr. W. said, he was not one of those who objected to a portion of the community pursuing, partially at the expense of another portion of the community, but for the benefit of the whole, any particular branch of commerce, or of manufactures, or any other species of industry which it may be eligible to follow. He did not object, he said, in other words, to a portion of the community pursuing navigation, partially at the expense of other interests of the country; but he did object to its being pursued and cultivated exclusively at their expense. One reason why he preferred the amendment to the bill was, that, after trial, if the expected benefits did not result from the system, we could go back from it with a better grace than we could from the other. We seem, said Mr. W., to have accomplished, within a few years, a political circle; on the strange revolutions we have gone through I will not remark, further than that the same section of the country that, a few years ago, so decidedly opposed all sorts of commercial interdiction for important results, is now contending for it, to attain an end not so important, certainly, though I will not detract from its importance, as that for which formerly the same system was resorted to. He would not say, this difference was the result even of any change of opinion; still less would he say that the support of the present bill, and the hostility to the former restrictive system, arose from

any difference in the degree of pressure of the present and former systems on particular sections of the country.

Gentlemen, he presumed, were not perfectly apprized, though he hardly supposed that many of them did not know the fact, that the policy which they recommended, of a total prohibition of all intercourse with the British colonies, was that policy which some of the most violent politicians in Great Britain had recommended as the means of adding to their prosperity. He alluded particularly to a pamphlet on the colonial policy of Great Britain, which there was some reason to suppose recommended a system of conduct, if not pleasing, yet certainly not altogether displeasing to the British Ministry. The very measure of total prohibition was that which the author of that work recommended as the best mode of securing the consequence and importance of the North American colonies, and making the West Indies entirely independent of the United States; and of crushing the prosperity of a country which they look upon, at no very distant day, to be their commercial and political rival. Considering, Mr. W. said, that the very measure upon which the Committee were now called on to act had been recommended for adoption in that country, was a reason why they should deliberate, and maturely too, before they ventured on such an experiment. Nor was the reasoning contained in the book to which he had referred, so altogether destitute of foundation. The trade we carry on with the British West India possessions consists principally of lumber and breadstuffs, and a portion of live stock. With regard to the lumber, it was stated in the pamphlet, that the average annual supply for the British islands had been 117,000 loads, of which 13,000 had been imported from the United States, and 4,000 from elsewhere. But that in 1810, during the existence of our restrictive system, the port of Quebec alone had exported 160,000 loads to those islands. Possibly, Mr. W. said, a considerable portion of this came from the United States; but the whole effect was to increase the quantity exported from the British North American possessions. Of breadstuffs, perhaps, no very great supply could be calculated on from that quarter; but that was not the only dependence of the islands. It was recommended in the work referred to, and the advantages of such a change plainly shown, to grow a part of their breadstuff in some of the islands, Trinidad particularly.

It was worthy of consideration, Mr. W. said, how far, after we went into a system of exclusion and prohibition, the British might, under possible prospective circumstances, for the supply of the West Indies, coalesce with Spain to reduce the revolted colonies, or with those colonies themselves for the supply of the islands now and forever hereafter, independently of the products of this country. The disposition of the people of the islands, particularly the Island of Jamaica, and excepting Barbadoes, was generally in our favor. If that was the case, any measure affecting their interest so as to cast a prejudice rather against us than the mother country, was defeating the end in view. The measure ought to be such, if any be adopted, as to make the colonies look to the mother country as the source of our regulations. To attempt to produce a relaxation of the British system by an extreme measure, did not seem to him to be the dictate of sound policy. We ought not, he said, to try the extent of our power at once. We ought not to pursue a policy, which, should it fail, would leave us in despair of any alternative. He was not, he said, in favor of any temporary measure; we ought to do what we intend and believe to be effectual; but we ought not to apply the harshest and strongest measure at once.

Among other phenomena which this debate had produced, had been the quotation of the opinions of a distinguished gentleman once at the head of this Government, on a question relative to the colonial trade, by gentlemen with whom, Mr. W. said, he was happy to find that opinion had considerable weight. But of an authority that is quoted, we must, according to fair rules of construction, take the opinion altogether; and that opinion did not sustain the arguments which gentlemen had built upon it. Mr. W. here referred to and quoted some passages of Mr. Jefferson's letter, which had been referred to by Mr. King, and said that the opinion of Mr. Jefferson, as far as it had weight—and no man would give it more than himself—rather showed the necessity for an increased tonnage duty and a prospective exclusion, than a total prohibition at once.

I am one of those (continued Mr. W.) who would oppose any measure or any course of measures which tended to divert the industry of any portion of the community from the channel in which it ordinarily flows. I am not one of those who, because we have a large portion of waste lands, and because in many parts of the country agriculture is the best pursuit, would resort to any measures particularly favorable to that, but prejudicial to other branches of industry. A portion of our people, he knew, were essentially amphibious, living partly on the water and partly on the land, who must in like manner be permitted to pursue their natural habits. But, on the other hand, said he, I would not consent to promote their individual advantage at too great a sacrifice; and, as we are called on now to say what we will do, and how far we will go, we ought to take our measures with such precaution as not in the first instance to commit ourselves to pursue them after they are found to be detrimental instead of beneficial.

With regard to the operation of increased duties on this trade, though he preferred them to prohibition, yet, Mr. W. said, he could not suppose they would, as the gentleman from Massachusetts seemed to suppose, be entirely paid, or paid in any great degree by the West India islands. The opinion of the Secretary of the Treasury (for whose opinion, Mr. W. said, he had the highest degree of respect) was altogether different: that the duty would be paid altogether by ourselves. An increased duty on imports

would very evidently be paid, in a great degree, by our own citizens. With regard to a tonnage duty on outward-bound vessels, indeed, it would operate, in a small degree, as an export duty attaching to the articles exported, and would be paid in the West India islands. But, under correction, he should suppose the other duty would be paid by citizens of the United States; at least so much of it as was requisite to bring up the value of the article imported to the cost of the same article from other countries on not as favorable terms as it would otherwise have been from the West Indies. Such would certainly be the effect, unless the price should be so far enhanced by the duties, as to cause the West India productions to come so much higher than the same articles from other countries, as greatly to reduce the consumption of them.

If it could be distinctly ascertained, on this subject, what was the sense of the mercantile part of the community, or of a considerable majority of those who compose it, Mr. W. said, he should be ready to go as far as any gentleman in securing to them the rights and advantages which ought to belong to the trade in question. But there seemed to be a very great diversity of opinion, even among themselves, on the subject; and gentlemen in favor of the bill had delivered themselves so doubtingly that, from their argument alone, he should be almost inclined to question the propriety of acting at all on this subject; but certainly the conclusion would be, if anything was done, there was no necessity for trying, in the first instance, the full extent of all our powers on this subject. If, in 1805 and 1806, by the unanimous voice of the same class of the community, the same measures had been demanded for protecting their interests; if, subsequently, the adoption of measures similar to the one now proposed, became, in the highest degree, exceptionable to those who had called for them; there was some reason to believe, if we pursue the same course, (particularly when the opinions of the merchants are not so decidedly expressed as they were then,) we shall come to the same result. Whatever was done, Mr. W. said, he was disposed to see done with the consent and hearty approbation, and present and future support of those for whose benefit it was done. He did not wish that Congress should be accused hereafter of so regulating commerce as to destroy it; not that they should receive the reproaches, instead of the gratitude of those for whom they made serious sacrifices.

With regard to one particular branch of commerce, referred to by the gentleman who last spoke, it was certainly desirable that some regulation by duties should take place—he meant the plaster trade—because, as to that trade, the Government could be compelled to admit us to a participation in it, or the trade itself would be wholly destroyed, the principal and almost only market being the United States. The article must either not be brought at all, or indifferently in British and American vessels.

The Committee had been told, in the course of this debate, very confidently, from a high authority, that the necessary effect of a total prohibition would be, to compel the British Government to admit us into participation of the trade with her colonies. We all know, said Mr. W., that the colonial system is a part of the policy which European Governments adhere to with the greatest pertinacity, and never relinquish. He had seen predictions somewhat similar to this on former occasions, not altogether verified by the fact. He did not say that, in those cases, important effects had not been produced; on the contrary, whatever had been the opinions of gentlemen at that time, arising from the excitement of party feelings, our restrictive system had produced great effect on the British West India islands, where the distress of the inhabitants had been nearly as great as in 1785—not quite so great, for at that period a considerable number of a part of their population had been destroyed. If, however, our restrictive system, operating severely as it did, was found not to produce ultimately the effects expected from it, the Committee ought to receive with some grains of allowance an appeal to it at this time to resort to that system to produce a relaxation of the British colonial policy.

We ought to recollect also what had been frequently heard on this floor, and what, to a certain extent, was certainly a legitimate argument, that the tendency of all systems of total prohibition was to promote, in that section of the country where it operates most, a spirit entirely hostile to every species of fair commerce, destructive to the morals of the people, tending to the diminution of the revenue of the Government, and to the defeat of any system the Government might pursue for the purpose of operating on the commerce of rival Powers. A total prohibition, he said, would be evaded, particularly on the Eastern frontier and on the Lakes, in defiance of all the force, civil and military, of the Government. A large portion of the products of the United States would thenceforth go to the ports in Canada, and thence, as British property, to the colonies. To a considerable extent heretofore this had been the case—adopt this measure, and it would become so altogether—and the very circumstance of a large portion of breadstuffs and lumber, going to the colonies, indirectly, through those ports, would be an encouragement to the British Government to persevere in its system, and would be adduced as an argument of the competency of the British provinces in the North to supply the West India islands altogether. He had, he said, no belief in the effect of this measure to compel the British Government to admit us to a participation in the navigation to and from her colonies.

It was certain, he said, that the present state of our navigation was imputable to the return of the European Powers to the system, in regard to their colonies particularly, which they had always pursued in peace; but also to the circumstance of a large portion of our commerce engaged in the war trade not now being required

for that trade, and not being otherwise profitably employed. The suffering of the navigating interest was caused by the amount of our tonnage being greater than can be used in ordinary times. This was an evil which even this measure, granting it the fullest success, would not entirely remedy.

Without intending to commit himself upon the course he would ultimately pursue, either in relation to the bill or the substitute, he had ventured hastily to offer his crude notions on this subject. He should not have done it, he said, if he had not perceived but little interest taken in the measure, or if he had heard as general an expression of the opinions of gentlemen on the question, as, on so important a question, might have been expected. The bill, he said, embraced an important question: it was the commencement of a system which might lead us to results, of which many gentlemen were not perfectly aware. There was a beautiful allegory in the history of one of the most celebrated of the ancient Republics. He meant the contest of Neptune and Minerva for the patronage of the city of Athens; to which the one had offered the olive, that elegant type of good government—

> "The rich olive, underneath whose shade,
> The green herb greener grows,"

—the symbol of peace. While the gift of the other was the horse—the instrument of war. Seeming thus darkly to shadow out the truth that agriculture is essentially pacific, while commerce (though commerce is not, as it was then, mingled with piracy) has yet, when pursued with too much avidity, always a tendency to endanger the harmony of nations. Whether this is what was meant, or whether, as has been ingeniously supposed, it was an allusion to some attempt on the part of its first rulers, to divert the attention of the people from the navigation of their narrow sea, to the cultivation of the earth—it would, in either event, furnish an instructive lesson. All such attempts must forever be made in vain. The occupations of a people are determined by their situation, their interests, their habits—and these, even in the subsequent and more disastrous period of that Republic, were not to be changed at the command of their rulers. To make them forget their naval greatness and glory, to turn their affections from that element where had been their triumphs and their strength—the rostrum, or tribune, from which the orators addressed the people; the *Bema*, he believed it was called—he begged pardon if he did not give it the true Attic pronunciation—which, formerly, was in view of the port and shipping, was removed to a different spot; its very shape, which had been that of the prow of a vessel, was changed—but no change was effected in the dispositions of the people.

An attempt on the part of Congress to change essentially the dispositions of the mass of the people, "whose home is on the ocean," would be futile, ungenerous, and unjust. At the same time, Mr. W. said, he would not pursue or force navigation, by measures which would hazard, in a considerable degree, the safety, interests, and general welfare of the great body of the community.

Mr. Clay (Speaker) said, that in one sentiment expressed by the gentleman from Georgia, he most heartily concurred—that the measure contemplated by the bill, or by the proposed substitute, was the most important, as respected at least our foreign relations, that had come before Congress at this session, or would probably be brought before it for some years—a measure, which, whatever fate attended it, ought to attract the attention of honorable members of this House, and to which, he hoped, before the final question on it, they would give the most mature consideration.

There was no doubt, Mr. C. said, that a great part of the depression under which our navigation now labors, was not peculiar to this nation; but there was as little doubt that we experienced it in a less degree than some other nations, particularly our great rival in commerce and navigation. It was owing principally to the state of peace throughout the world, that we, instead of being the carriers for other nations had become the carriers for our own country only, thus greatly curtailing our navigation: though it was no doubt also, in a material degree, effected, as stated by the President in his Message, by the colonial policy of Great Britain, which excludes us from a participation in the trade with her colonies.

Independent of its intrinsic importance, Mr. C. said, this subject presented itself in an imposing attitude, as forming one of the most prominent points of the President's Message. The importance of the question by no means depended simply on the value of the trade between this country and the colonies of Great Britain. But, considering the question as it related merely to that trade, when the fact was stated, that it consisted of six millions of dollars imports, and of course a like amount of exports, it must be admitted the question was one of deep import, compared to any which at present presented itself to the attention of Congress. But, as was stated in the President's Message, Mr. C. said, it was not solely important on account of the effect of the colonial system on that trade, but the fact was, that the exclusion from a participation in that navigation essentially affected the trade between this country and the British European possessions, and, by the operation of the system, deprived us, in a great measure, of the benefits of the convention of commerce with Great Britain, which provided for the establishment of a perfect reciprocity of commerce between the United States and the British European possessions. It was not necessary to trouble the Committee with the details, he said, but it must be admitted, that where a British vessel could carry two cargoes, whilst the American could carry but one, the advantage must be greatly in their favor. Even if gentlemen were not disposed to do something to obtain for the navigation of this country a participation in the colonial trade, they ought to go so far as to place them on an equal footing as regarded the

European trade. Some measure ought to be devised, by which the navigation of Great Britain should be prevented from enjoying peculiar advantages over us, in a trade wherein reciprocity had been solemnly promised by the convention to which he had alluded.

It appeared to him, Mr. C. said, that the gentlemen who had spoken on this question, as well as some who had not spoken, but with whom he had conversed, had mistaken the nature of the measure now before the Committee, and confounded it with the embargo, and the whole train of restrictive measures. The present measure, he said, was of a character totally different. The embargo, the non-intercourse and non-importation systems were adopted as substitutes for war, to produce a revocation by Great Britain of her Orders in Council, and by France of her decrees. These orders and decrees of the belligerents were intended to act on each other. Of course, if it were true in point of fact, as he contended it was not, that the restrictive measures of this Government had failed in producing the desired effect, it was no reason why the measure now proposed, should fail; the cause of the failure of the measures referred to, having been that Great Britain had a greater interest at stake, in the contest with France, to maintain inviolate those Orders in Council, than she had in conciliating the wishes and participating in the commerce of this country. Those measures, if they had have failed, would have failed because the measures of Great Britain were intended to operate on France, and through us upon her. But in regard to the policy of Great Britain, which this bill proposed to countervail, it operated on this country alone, and was connected with no belligerent purpose. It was not a fact, however, Mr. C. said, that the embargo and other restrictive measures did fail. He would not go into that question at this time; but he would assert that they in fact produced the repeal, in the first place, of the decrees of France, and afterwards of the Orders in Council of Great Britain—an effect produced too late, however, to avert the war previously declared by us against that nation. There was, certainly, no real analogy between the system proposed by this bill, and that restrictive system which the United States had formerly adopted.

Let us, then, said Mr. C., inquire into the character of the evil proposed to be remedied, and of the remedy that is offered. What is the evil? Great Britain says that the whole commerce between her colonies and the United States shall be carried on in British ships, absolutely excluding American ships from any participation in it. The most natural course of the exchange of commodities between nations might be thus defined: that each nation should carry its own products to market; that we should carry of our produce what we do not want, but they do, to British ports; and that they should bring what they do not want, but we do, to our ports. With this course, however, Great Britain was not satisfied. The next, and perhaps the most equal and best mode of providing for the free and fair interchange of commodities, was, to open the trade equally and reciprocally to both parties, to let each carry the commodities of both countries, in a fair competition. Great Britain was not, however, disposed to do this. She not only prohibited the carriage of her colonial commodities in our vessels; not only entirely engrossed the export trade from her colonies, but refused to allow us any participation, by conventional regulation or otherwise, in the trade to the colonies. The effect was, to deprive us of the advantages in the augmentation of our commerce, and increase of our seamen, which would result from the carriage of our own produce, to the amount of six millions of dollars annually.

With regard to the importance of encouraging our navigation, he said, he need not resort to argument. The question of the importance of a navy to maintain and defend our rights, which had been some years ago a question of a theoretical nature, was no longer so: it was now a question of practical experience. All felt its importance, and all acknowledged the expediency of cherishing, by all means in our power, that important branch of national defence.

Gentlemen alarmed themselves, Mr. C. said, by the apprehension that the other party would view as inimical any regulations countervailing her colonial policy, and that the issue of this conflict of commercial regulations would be war. Mr. C. said he believed in no such result. If an exclusion of the navigation and shipping of Great Britain from our ports be a measure of a hostile character, said Mr. C., Great Britain has set us the example; for she excludes our navigation and shipping from an extensive range of her ports. Mr. C. considered this rather as a diplomatic than a hostile measure; but, if it were otherwise, she had set the example, which she could not complain if we followed.

But, said he, let us look to the fact. What would be the light in which Great Britain would view any such regulations as are proposed by the bill? The Convention of London contains an express stipulation on the subject; and I will observe to gentlemen, that the clause which exempts the colonial trade from the second article of the convention was introduced with the express view of retaining in our hands the right to countervail the British regulations in this respect. It was so understood by the framers of that convention. But, said Mr. C., we have later evidence than that which is furnished by the terms of the convention. The President, in his Message at the opening of the session, says, that it is ascertained "that the British Government de-
'clines all negotiation on this subject; with a
'disavowal, however, of any disposition to view
'in an unfriendly light whatever countervailing
'regulations the United States may oppose to the
'regulations of which they complain." Thus, then, we have evidence both from the nature of the case and from the express declarations of the British Government, that it will not, because it cannot, view in an unfriendly light any regulations which this Government may find it expedi-

ent to adopt to countervail their policy. Mr. C. said he did not think that the adoption of this policy on the part of Great Britain ought to excite any hostile feeling towards her. She was not singular in this respect. Every country that has colonies in the West Indies, and which is not too weak to defend them, endeavored, he said, to appropriate to itself all the advantages of the trade with those colonies; and it would be found that the relaxation of the rigor of that system, by one nation or another, was precisely graduated by the degree of ability to maintain their colonies in peace and defend them in war. There was nothing in the regulations of Great Britain which could be offensive, or possibly lead to war. They might be complained of as selfish or unfriendly —they certainly were the former. But Great Britain had a perfect right to set the example before us; and the question was, whether the total exclusion of our ships from the colonial ports of Britain, was such a measure as we ought to fold our arms and submit to, without an effort to obtain some part of the trade which she had attempted to appropriate exclusively to herself?

Gentlemen had properly said that this was a question which ought to be well weighed before decided. Whatever we do, said Mr. C., it ought to be with a determination to adhere firmly to it. For, depend upon it, Great Britain will never lightly relax her policy. This is proved by the history of the failure of all attempts to obtain a relaxation of the policy by negotiation, from the first establishment of the colonies to this day. Mr. Jay attempted to negotiate on the subject, but failed in his object. Messrs. Monroe and Pinkney tried: they failed, being obliged to be satisfied with the introduction into the rejected treaty of a clause similar to that in the late convention, that each nation should be at liberty to regulate trade with the colonies as it pleased. I need not say, added Mr. C., that those who negotiated the present convention of commerce had the subject anxiously at heart; that they strove all in their power to incorporate in that compact some regulation allowing participation in the colonial trade; they failed, however, as others had before them. The failure of a more recent attempt at negotiation on the subject was alluded to, he said, in the passage of the President's Message which he had already quoted. The policy of Great Britain, it followed from these facts, was deeply laid in selfish considerations—a policy which she had never relaxed, except in periods of war when it became her interest to do so, from the commencement of her colonies to this time. The measure which we address to her interest, to induce her to relax from the rigor of her colonial policy, should be a measure framed with ample deliberation, which, when we adopt with resolution, we will maintain with fortitude. For, the first conclusion of the British Government would undoubtedly be, that the American Government would be incapable of maintaining its regulations for any length of time; and that Government, in the expectation of a retraction of the measure, would persevere in her policy as long as she could. What we do, therefore, we should do knowingly, and should do it well; with an unalterable determination to adhere to it until it has produced the effect it was designed to accomplish. I will go further on this subject, said Mr. C. So deeply rooted in the hearts of the British people is the sentiment that the retention of the colonial policy is essential to their commercial prosperity and maritime greatness, that I contend, if any measure of yours is to produce an effect on the Government in regard to it, it must be by enlightening the public sentiment of the British nation in regard to its true interests—for no ministry would find itself capable of relaxing that colonial policy, and hold their seats one month thereafter. In any measure you take, you will have the colonies to back and aid you—they being always anxious for the most enlarged and liberal trade. But you must also carry conviction to the mind of the British people, that they have a greater interest in giving up than in adhering to the colonial policy, before they will surrender it. Convince the people of that, and the Ministry will let you into the trade; but not before.

The question which presents itself, then, is, whether we will adopt measures to induce a relaxation so desirable to our interest? What ought to be done, if anything is? There were two propositions before the House, and the question now was on substituting high duties for the prohibitory system. Mr. C. said that he preferred the prohibition; and if any gentleman would candidly compare the merits of the two proposed remedies, he would find that the whole value of the remedy, by the imposition of duties, was derived from its approximation to prohibition. He objected to increased duties for various reasons; first, because they would operate on ourselves, for that would unquestionably be their first effect; though he admitted we might, by diminishing in a degree the consumption of the colonies, and letting in rivals to their trade, on more advantageous terms, operate on them. As respected our exportation, also, these duties would operate injuriously on us, by diminishing the consumption of our produce in the colonies, without materially distressing them. Mr. C. favored the system of prohibition for other reasons. It met the British regulation by a measure of the same character, operating exactly to the same extent. It neither stopped short nor exceeded the measure of which we complain. He preferred prohibition to duties for other reasons. The value of the latter system must arise wholly from the diminution of the consumption of the colonial commodities here, and of ours there, and might lead to a species of strife of restrictions, &c., which the prohibition system would avoid. It would be preposterous, said Mr. C., for the British Government to complain of the system of exclusion. The answer is at hand. You have set the example of imposing restrictions on the trade; do you set the example of taking it off—as you withdraw, so will we. This measure can lead to no collision but what is amicable. The system of duties would not be felt

so immediately by the colonies, or by the people of Great Britain, upon whom, he had had the honor of stating, we must produce an effect before we can reach our object. The measure, therefore, which we adopted, must be one which could not be mistaken in its character; in regard to which it would be utterly impossible for the present Government or its Representatives to mislead the colonies, or deceive the people of Britain. Such a measure, Mr. C. said, he took prohibition to be; such a measure he took the proposed substitute not to be. If we laid duties, for instance, the British Ministry might say—"America may lay what duties she pleases, what right have you to complain?" The colonies might, indeed, inquire into the motive of the imposition of those duties, but, if they did, they could not ascertain it; it might have been the augmentation of the revenue, as well as the object which is now sought by it. But when they find a system of prohibition established precisely in retaliation of a similar law of Great Britain, it will be impossible to deceive them; they could not fail to see the cause of the evil, for which a remedy would be sought in a revocation of the measure which provoked the United States to that course. But, it had been said, that the effect of a total prohibition of intercourse would be evaded; that Montreal would be declared to be a free port, and the commodities destined for the consumption of the West Indies would be accumulated in depot in that city, and thence transported to the insular colonies to supply their wants; that thus the channel of supply only would be changed, without affecting the amount of the supply of our products to the British West Indies. Mr. C. said he did not believe in any such result. He thought the gentleman from Maryland, yesterday, in the practical view with which he had favored the Committee, had satisfied them that such could not be the result. Nature, Mr. C. said, there stepped in to prevent that diversion of the trade from its ordinary channel, and, by the occlusion of the St. Lawrence, prevented that river from being the channel of the regular and certain supply required for the maintenance of the West Indies. The gentleman from Maryland had shown that but one or two voyages could be made from a port in the St. Lawrence, instead of the three or four voyages which might be made in a year from the United States, and that the supply from that quarter, therefore, must be deficient.

Mr. C. begged leave to add another argument, which, if he was not wholly mistaken in all his views of this subject, would be conclusive. It was this: that the effect of the proposed prohibition would be to deprive the colonies of a market for their produce, to the amount of six millions of dollars. It was not sufficient for gentlemen to show, even had they succeeded in doing so, that the wants of the colonies could be supplied from the St. Lawrence, but it must also be shown that they could find on and near the St. Lawrence a market for their products in return. This proposition, simply announced, demanded the assent of all. The ability to purchase depends on the ability to sell. If there is a political truth, it was that, he said, which he had stated. If, then, we cut off a market for six millions of the commodities, with which they had been in the habit of purchasing an equivalent amount of supplies, though we leave the road open, we deprive them of the means of obtaining those supplies. A certain quantity of sugar, &c., might be smuggled on the lakes, but to what amount? Sufficient for the consumption on the borders of the lakes alone; for it would be impossible to introduce such articles in that manner for the supply of the seaboard. The expense of transportation would be such, that it would be impossible for the merchant to come into competition with the same commodities, imported from other quarters. The amount which the colonies could sell on the lakes, would be somewhere about half a million of dollars. The products with which they could supply themselves in that quarter, must be limited to the same amount. And gentlemen must show that a market can be obtained for six or seven millions in amount, before they can prove that the colonies can procure (if it were possible to procure at all) their supplies from Canada.

Suppose the measure of prohibition be adopted, what would be its effect? In the opinion of Mr. C., a mere change in the direction of the trade. St. Domingo would be open to us, St. Thomas, Santa Cruz, and possibly St. Bartholomews, and other islands and ports. But, if not one port should be open, the necessity Great Britain would be under to obtain supplies for her colonies, would dictate the expediency of opening some port at which an interchange of commodities could take place. If this operation took place, all that is proposed to be effected by the bill is accomplished, by the participation of our navigation in the transportation of the articles thus exchanged. Our ships will have obtained in employment, in carrying our products to that entrepot, and bringing return cargoes, of the same amount they would have now, if American instead of British ships wholly engrossed the trade. There might, in the case supposed, be some little increase in the cost of the articles, but so inconsiderable as not to amount to any offset to the great advantages accruing to this country from the employment of its tonnage.

The present moment, Mr. C. considered as particularly propitious to the adoption of this regulation; because, as regarded the great direct trade between the United States and British ports in Europe, that was regulated and unalterable for near three years. It stood on the footing of convention; and we should not, by any regulation adopted in regard to the colonial trade, put to hazard the advantages in the other, at least until that convention expired.

Regarding this regulation in another view, he anticipated beneficial effects from it. In consequence of the weakness of some of the Powers of Europe in their maritime force, they had found it convenient to open ports to us, which were formerly shut, and we could thence draw our supplies; thus effecting a mere change in the chan-

nel of supply, with the advantage of the employment of our own navigation, as already stated. South America, besides, would be open to us, and we could there obtain a large portion of the commodities we import from the West Indies, except, perhaps, the article of rum. Whether that could be obtained there or not he did not know. Sugar might be obtained in quantity from Louisiana, where the product of that article increased every year. Georgia, and a portion of South Carolina, too, had turned their attention to that object; and the effect of this measure would be to encourage the cultivation of that article. With respect to the article of spirits, if its importation were totally cut off he thought it would be a benefit. He believed, he said, that America was the only country that imported as great a quantity of spirituous liquors; every other country he was acquainted with used more of its own manufacture. If, said Mr. C., you exclude entirely, by a permanent regulation, the article of rum, and substitute domestic liquor for that portion of rum consumed here—and I agree with the gentleman from Maryland, though I have not perhaps his experience, that the article of whiskey is better, in every point of view, than the article of rum—you promote the agricultural interest, and particularly that portion of it from which I and the gentleman come.

Mr. C. assured the Committee that, on this occasion, he was influenced by no local views. If the interests of that part of the country which he represented would, as they possibly might in some respects, be prejudiced by this measure, yet, on a great national question, in which the honor and character, as well as best right of the country are concerned, he should most cheerfully surrender its partial interests for the general good. He said the character of the country—for would any gentleman say that it was to be endured, that a most important part of the carrying trade should be taken from us, and that we should tamely submit to it? It was intolerable, he said, ought not to be endured, and would not long.

I think, then, said Mr. C., that the suffering of the navigating interest, to which the attention of Congress is attracted, is one which calls loudly on this body to do something to alleviate it. It is attributable greatly to the colonial system of Great Britain, though no doubt also greatly to the state of peace, and the consequent resumption of their navigation by the Powers of Europe, who during war suspended a great portion of it. Taking care of the interests of the nation, and guarding our commerce against the effect of foreign regulations, it becomes us to act on this subject. He should, he said, cheerfully give his assent, therefore, to the bill before the House; and should vote for it, but with reluctance, if the amendment proposed by Mr. Forsyth should succeed. He had intended to have touched some other points, he added, but had already spoken too long; and was warned by that circumstance, as well as by an indisposition under which he labored, to bring his remarks to a conclusion.

Mr. Robertson, of Louisiana, said he rose on this occasion to make suggestions rather than express opinions; to receive information rather than to give it. The House had been told that this bill was introduced for the purpose of assisting the commercial and navigating interests of the United States. As respected the commercial interest, Mr. R. said little could be argued in favor of the measure—for the disadvantages of it to agriculture would be considerably greater than any possible benefits it could afford to commerce. With respect to the navigation of the United States, there arose a national question—that being an interest in which the nation has a property. What, he asked, was the nature of that navigation? It did not depend on the shipping or tonnage employed by the merchant; not on the prosperity of the ship owner or builder, but on the American seamen, emphatically, who were employed in navigating our vessels. He, then, called upon gentlemen to give him some demonstration of the efficacy of this bill in increasing the number and abilities of our seamen, before they could show to his satisfaction that the nation had any interest in the passage of this bill. He wished not, he said, to pass laws for the encouragement of one interest to the detriment of another, unless for the advantage of that part of our navigation in which only the nation had an interest.

Was it, Mr. R. asked, important to the commercial interest whether our produce and foreign produce be carried in foreign or American vessels? No. Was it important to the nation that these unemployed ships should cover the ocean, unless they were manned by our own seamen? He said, no. Did this bill provide, or was there anything in the policy of the United States which did provide, that seamen of the United tates should be employed in the ships to be built and the tonnage now employed? These were questions he should like to hear solved.

We had no right, Mr. R. said, to consider this question in regard to the conduct of Great Britain as respects her colonial trade; we had no rights in regard to it. The measure now proposed did not stand on the footing of the embargo and non-intercourse, and, if it did, but few gentlemen he believed would be found to favor it. But, said Mr. R., have we been wronged? Are our rights affected by the British colonial policy? I take it they are not. If I were to give my vote for this bill, it would be singly and exclusively with a view to that kind of benefit which would result not only from an increase of our navigation, but from securing it to the seamen of our country. He would, for such an object, consent to make a sacrifice. Why? Because they are necessary to the naval strength of the country, and any sacrifice for their encouragement he should consider as a tax for the defence of the country, and would cheerfully impose it; as he would not hesitate to lay a tax on the agricultural, or any interest, to add fortification to fortification, and for improving and arming the militia. If this bill, then, would encourage and increase the number of our seamen, he

would vote for it, but on no other grounds. He had not the slightest regard, in this case, to the interests of the people of the State which he represented; if a great national purpose was to be obtained, and could be demonstrated as flowing from the bill, he should vote for it. Until he had further information than he now possessed, however, it was extremely doubtful how he should vote on the question. He should not vote for the bill with a view to any retaliation. If the colonial system of Great Britain was universally acquiesced in, we had no right to complain of it; and, with respect to that view of the subject, he should not act on it.

In his voyage last Spring from Baltimore to New Orleans, there was on board the vessel in which he sailed but one native American seaman. Was it of importance in a national point of view that that vessel should navigate the ocean? It was not, but if the vessel had been manned by American seamen, it would have been. As to the mere employment of ships, Mr. R. was averse to entering into any war of competition for it, considering the object as not worth the struggle.

Mr. HOPKINSON, of Pennsylvania, in noticing the remarks of the Speaker, (Mr. CLAY,) premised, that he should occupy the attention of the Committee but a few minutes. He had followed the honorable gentleman, he said, from the commencement to the conclusion of his argument, and, without mere parliamentary courtesy, he would say, that his statements had been made with great strength and accuracy; the question before the House had been treated with great candor, and placed in a strong point of view, and the policy which ought to govern every member in his vote was placed fairly before the Committee. But, Mr. H. said, he had followed the gentleman to see to what result his course of reasoning would bring him, and to see whether the measure now proposed was a remedy for the evil complained of? For that, after all, was the point on which we should keep our eye.

What, then, was the result to which the Speaker had brought the Committee? He had stated, with great force and truth, Mr. H. said, that the House was entering on a business of most important magnitude, from which they ought to forbear, unless they could bring their minds, and that of the American people, to the point of a persevering contest and trial. We are, said Mr. H., about to attempt what has never been effected by any nation on earth; to compel Great Britain to abandon a policy which, as the gentleman expressed himself, is deeply rooted in the hearts and interests of the people, who believe that on it greatly depends that maritime strength essential to their national existence. The honorable Speaker had fairly put the House on its guard, Mr. H. said, and told gentlemen not to vote for it, unless they had courage to persevere in it. It would not do to go half way in this system; we must see it through—persevere, or make not the attempt.

This bill then being the great measure proposed for no less an object than to compel Great Britain to abandon a system she believed essential to her national greatness, the question presenting itself to the Committee is, not whether the object be attainable by any means, but whether the measure now proposed affords that means. On the Speaker's own ground, if the measure proposed was not of a kind likely to produce the desired effect, it ought not to be attempted; if it was likely to fail from want of courage to persevere in it, or from its own nature, it ought not to be undertaken.

Mr. H. said he did not propose to show, nor did he mean to say that the resolution of the American people might not be found equal to the support of a measure involving great privations, if certain to answer a beneficial purpose; but he thought he could show, be their resolution what it might, that the measure now proposed never could produce the desirable end sought by its friends. The honorable Speaker had told the House, that it was in vain to seek to produce an effect on the British Government by the wishes of the colonies, because those wishes were already sufficiently known, and if the wishes of the people of the islands were sufficient, the desired effect would be produced without the intervention of any measure on our part. The result direct from this proposition was, Mr. H. said, that any measure operating on the colonies alone could produce no effect on the British Government; and that, therefore, any measure intended to operate on the latter must be addressed to something else than the feelings or interests of those colonies. It was not even sufficient, the Speaker had argued, to produce conviction in the Ministry of Great Britain; since, so rooted in the hearts and understandings of the British people was the sentiment that the colonial policy is essential to the maritime strength of the nation, that not even the Ministry dared to meet and oppose this national feeling. The measure to produce a remedy, then, must, from the Speaker's own showing, be addressed to the British people. Do not let us, said Mr. H., embarrass our strength by a measure in a wrong direction, in a remedy applied where the disease is not to be found. Can the bill on our table, then, I ask, have the slightest effect to convince the British people of the error of their policy? On the contrary, if as effectual as possibly could be imagined, it will not in any way affect them, and will leave us just as far from the desired end as it finds us.

Of course, then, Mr. H. said, after following the Speaker to his conclusion, and agreeing in all his premises, he had looked with anxious solicitude to the application, by the gentleman, of his argument, and expected that he would have shown that the effect of the bill would be to reach the feelings and opinions of the British people. But when the Speaker had come to his conclusion, it was that the bill would affect the colonies, but not a syllable about its effect on the British people, on whom only the gentleman had clearly shown its operation could be of any avail. The effect was to be this—and doubtful at best—to deprive the colonies of six millions of trade.

Would the people of Great Britain, Mr. H. asked, care a farthing about that? Would they not, if they believed the colonial system essential to their maritime strength, rather give them the money every year than touch that colonial policy? They surely would. The proposed measure, then, which would bear injuriously on our people to a degree which it was admitted would require courage and perseverance to sustain, if it produced its greatest possible effect, would have no bearing on the true point, according to the honorable Speaker's own showing.

But, was it a fact, this policy being adopted, that the British West Indies would be deprived of an import and export trade to the amount of six millions? The fact stated by the honorable Speaker respecting the opening of neutral or intermediate ports, entirely destroyed his own argument on this point. Admit, if you please, said Mr. H., that the British West India colonies should be deprived of this trade, I still doubt whether that consequence would produce so strong an effect as totally to change a sentiment described as being rooted in the hearts of the British people, and induce them to surrender a system which it has been their pride and policy to maintain, under all circumstances, for a long course of years.

Mr. H. said he had thus briefly stated the result to his mind from the premises of the honorable Speaker. If what was necessary was what the Speaker had suggested, the measure proposed as a remedy would not remove the evil, would in fact only operate to distress ourselves.

Mr. Clay rose in reply. He admitted, he said, that the gentleman from Pennsylvania had very fairly and correctly noticed the weak point of his argument. Mr. C. said, he had assumed as proven some points which had been maintained by other gentlemen, particularly by the gentleman from Maryland, one of which was, that the supply of the commodities obtained by the colonies from this country, could be obtained nowhere else. He had presumed, also, that the disposition of the colonies was already favorable to a liberal and free trade. But it might be that the colonies were at present in favor of a free trade, and yet their feelings not so roused, as to produce effect from their remonstrances, as they might be expected to be by the passage of this bill. We know, said Mr. C. that the colonies of all countries are averse from restrictions on commerce, but that they generally acquiesce in them. If pushed to a state of starvation, however, in consequence of this policy, they would not fail of producing, by their remonstrances and appeals, an effect on the parent country. Mr. C. said his argument respecting the value of this trade to the colonies, and of course to the parent country, was not applicable simply to the value, but to the nature also of the commodities in which that trade consists. Although the amount of the trade might be inconsiderable in regard to the whole amount of the trade of Great Britain, if it were indispensable, as he thought had been proved, to the colonies, the loss of it might awaken such a feeling, first in the colonies, and, by sympathy, in the mother country, as would induce a relaxation of the rigor of the British system. The gentleman from Pennsylvania, therefore, to rebut his argument, must show, what Mr. C. believed him unable to do, that the colonies could obtain their necessary supplies elsewhere.

One effect Mr. C. believed would flow from this measure, in a degree at least, that Great Britain would draw, for the supply of her colonies, those products which we have sent and shall send to other colonies. If this was effected, we should have achieved the great object of securing to our navigation the transportation of our own products.

When up before, and speaking of the possibility of Montreal being made a free port, Mr. C. said he had not adverted to the fact, that the region of the lakes did not now in fact consume anything worth taking into account that comes from the West Indies. The people of that region made principally their own sugar and spirits. Therefore, if the position was true, that a nation cannot buy where it cannot sell, Montreal could not be a substitute for our ports.

The great question was the *modus operandi* of this bill, to use a favorite expression of a member of another body. Operating on the sympathy as well as the direct interest of the parent country, it would induce her to relax her system. Great Britain would find a greater interest in securing the amount of six millions of trade, necessary to support and cherish her colonies, than she would gain merely on the transportation of the articles of which that trade consists. That was the question on which the British people would be called on to decide; and he believed the effect of this measure would be such as to induce them to decide in favor of admitting us on a footing of reciprocity into the West India trade. If the British Government did not take this course, it would have to wink at the formation of entrepots, by which the object proposed by the bill would be substantially accomplished.

On this subject, Mr. C. said he ought to state, that, if the bill were to pass, it would be necessary to introduce a further provision into it; for otherwise the British Government might declare Moose Island in the North and Amelia Island in the South to be entrepots, and thus evade our measures. Mr. C. said therefore he would propose a limitation to particular latitudes, so as to make the intermediate ports, if established, such ones as should secure us all the advantages we might have a right to expect from them.

Mr. Randolph, of Virginia said, he would ask the honorable Speaker one question; rather desiring to ask it of him now than after he resumed the Chair: Whence came the cry for this measure? From what particular section of the country? Do you not find it (said he) in the Message of Governor Smith, of Connecticut, to the Legislature; in the Message of the Governor of Massachusetts; and in a certain description of prints? He would not ask the gentleman whether it was to be found in his convention or not. If these British Ministers would not relax their policy at

the peril of losing their seats, Mr. R. said they would hardly relax it for our relief. If the English would lose six millions of trade by this measure, we should also lose the market for our horses, mules, staves, and lumber; there were two sides to that bargain; and he really thought it was refining a little in wisdom, to suppose that these English Ministers, who understand so well their interest as regards their places, as to regard the public sentiment of England, and not the clamor of the colonies—he wished every minister always understood the subject as well, and every people their own interests as well—that they would relax, to give *us* relief. Suppose the British Government should not yield. Why, then, we are to go to South America, and get these six millions of the articles we now get from the West Indies. Could we do so? Mr. R. asked. Would the people of South America take our staves, our lumber, our horses, our mules, and our jackasses? Should we carry coals to Newcastle? How should we pay for these articles?

But the gentleman asked, where would the British colonies get supplies, since, as he had also said, it had been demonstrated by the gentleman from Maryland—Mr. R. was sorry he had lost the benefit of that argument, for the gentleman must have demonstrated what was undemonstrable—that the colonies could not get them but from us. Why, Mr. R. said, these very South American colonies, whom the gentleman wished so heartily to see recognised, could furnish these very articles. And the opening of them, so far from being the remedy to the evil under which we labor, would actually aggravate the disease.

It was very well known, Mr. R. said, that previous to the American Revolution, these colonies, then provinces, had an open trade with the West India colonies, and got a habit of supplying them, which even the American war did not entirely break. If that did not entirely break it off, but at its conclusion the intercourse was renewed; if the islands could go seven years without our supplies, did the gentlemen believe that they could not do without them for any length of time? This idea of starving the West Indies—of bringing Great Britain to her marrow-bones, was suggested in 1807;—we had tried all these things, and our measures had been wholly unavailing as to their avowed object. After remarking on the effect of our measures heretofore on the colonies, Mr. R. said, that our system then, was liable only to the same objection as the gentleman's system now, that it produced directly the reverse of the effect which we wished it to produce.

We set about starving England and coercing her by refusing to receive her manufactures; we found that would not do, and we have now set about raising manufactures of our own—as much as to say, for he was stating it argumentatively, that the power of receiving British manufactures being a great power, it was the interest of the country to destroy that power. So it was now proposed to act in regard to the colonies. The fact was, Mr. R. said, that at the last session of Congress a combination of interests in this House—not speaking disrespectfully of them therefor; for in bodies politic they will continue—male and female created he them; they will unite—you cannot keep them asunder—a combination of interests at the last session of Congress had given the heaviest blow which has yet been inflicted on the navigation, of which the honorable member had spoken to-day, and which he was convinced it was the interest of the United States, in one point of view, to foster and encourage. But gentlemen in a certain quarter of the Union, Mr. R. said, had done all they could to convert the trident into the distaff, and now called upon the House to pay the cost of converting their spindles into new tridents.

In his humble judgment, he said, there was but one view of this question in which we have a serious interest. He could not look at it without going back to our former system of commercial restriction, which had ended, as selfishness and ill-neighborhood generally does, in a fight. In that too this system would end, provided it had the effect the gentleman had anticipated from it—for, Mr. R. said, he wished it to be understood that he grounded his arguments on the efficacy of that which he believed would prove utterly inefficient and futile. Knowing what I do, said Mr. R.—little enough God knows, but enough for this—I look forward to the day when we are to have the great struggle with Great Britain for the mastery of the seas; to which, as to length of duration and bloodiness, Mr. R. said, the great contest between the naval forces of England and of Holland in former days was but a skirmish. If the object was to encourage this contest, to hasten the struggle, by making regulations to get us all the seamen in the world, and raise as many of our own as we could, in one view of the subject this measure ought to be adopted. But, supposing it could reach the mark, Mr. R. said, he was not prepared to give his assent to the bill. This was one of those instances in which theory did not prove in practice what was expected from it. Not that he denied, that if this country was to be defended against a great maritime Power, it must be by a fleet—on that point he had not the slightest doubt; but his own opinion was, that it would be as well for the present to count, and not only to count but to pay the cost, of the last contest before we courted another. Not that he believed that would be done. I was once visionary enough to believe, said he, and the progress of the payment justified it, that we were about to present to the world the spectacle of a nation, having funded its debt, that paid it—but no such good luck for us. Unfashionable as it had become, denounced (or renounced, should he say?) by its old supporters, and certainly not taken up by those, in this particular instance, who once opposed it, Mr. R. said *he* was still for the doctrine of retrenchment, of economy, taking the hand of this Government out of the pocket and off the person of the citizen wherever it can be done—off the person, he said, for the effect of putting the hand in the pocket is to put it on the person—he said off the person, especially, in respect to this system

of great maritime force; for, said he, you may have all the seamen in the world, and let war break out, there is no mode by which you can command the service of a number of seamen sufficient to man a respectable force, but by impressment. For, if we go into the system of bounties and premiums, in time of war, of bidding for seamen the price which will command them, when neutral nations are giving the highest prices, we go into a system that this country, great as it is destined to be, even under the grossest mismanagement, cannot support. I will trouble the Committee no longer.

Mr. Smith, of Maryland, made a few remarks to show that the extension of our navigation, particularly under the regulations proposed in regard to the proportion of American seamen to be carried by our vessels in foreign trade, would certainly tend, as Mr. Robertson had desired to be proved, to strengthen our maritime force, increase the number of our seamen, and keep them in our own service.

The Committee then rose, reported progress, and obtained leave to sit again.

Saturday, February 1.

Mr. Middleton, from the committee appointed on the petition of William Smith, senior, of Charleston, South Carolina, made a report, which was read; when, Mr. M. reported a bill for the relief of William Smith, senior, which was read twice, and committed to the Committee of the Whole on the bill for the relief of John Thompson.

Mr. Sharp, from the Committee on Private Land Claims, reported a bill for the relief of Samuel H. Harper; which was read twice, and committed to a Committee of the Whole.

The bill from the Senate "to provide for the due execution of the laws of the United States within the State of Indiana," was read twice, and referred to the Committee on the Judiciary.

The bill from the Senate "to enable the people of the western part of the Mississippi Territory to form a constitution and State government; and for the admission of such State into the Union on an equal footing with the original States;" was read twice, and committed to the Committee of the Whole on the bill of this House of the same title.

COMMERCIAL INTERCOURSE.

The House again went into Committee of the Whole on the bill "to prohibit all commercial intercourse with ports or places into or with which the vessels of the United States are not ordinarily permitted to enter and trade." Mr. Forsyth's motion, to substitute high duties in lieu of the measure contemplated by the bill, being still under consideration—

Mr. Lowndes, of South Carolina, rose to express his views of the subject. His preliminary observations escaped the reporter; they were, however, principally descriptive of the policy of Great Britain in regard to her West India colonies, and replicatory to those who had in debate advised against attempts to counteract it. If, indeed, it were true that there was something in the character of the British colonial policy, or of the British nation, which made it wise to submit to take a share of that trade under the restrictions she thought fit to impose, and not attempt to make it her interest to adopt a more liberal policy, the objections were founded in reason. But, if this principle were once admitted, he knew not where to fix a limit to it. If she might, under this argument, without counteraction, prohibit our navigation to her West India possessions, why not also to those of the East? And why not to any of her dominions in Europe or elsewhere? Suppose France, instead of England, were concerned in this question, and that the prohibition was of our navigation to her Mediterranean ports: Is there a man who would say that we ought to consent that French vessels should bring to us the produce of the French coast on the Mediterranean, and receive our productions in return, whilst American vessels were excluded from any participation in the trade? He presumed not; and yet he saw no substantial difference between the case supposed and that which already exists, and to which this bill has reference. On general principles, Mr. L. took it for granted, that whether we do or not counteract this policy of Great Britain, was a question of expediency merely. It seemed proper to him that some countervailing measure should be adopted, to induce Great Britain to admit us to a participation in the navigation to her West India colonies, whilst she admits us to a participation in that trade.

It had been said that there was something in her navigation system to which the Government of England was so attached—that it was so fixed in the affections of the people and in the principles of the Government, that, however injurious the system to us, we ought not to enter into a contest to obtain its relaxation. Although Mr. L. did not undertake to say that we should work a change in the policy of England by either the bill or the substitute before the Committee, he could not concur in the views which had been expressed in relation to the navigation system, and he believed gentlemen were wrong in attributing to it that almost superstitious veneration said to be entertained for it by the British Government. He did not believe, he said, that the Government would find any difficulty in relaxing its policy, if it were made its apparent interest to do so. He formed his opinion less from what he had heard of the disposition of the people or of the Government, than from what he found on their statute book. If, on examination, it were found that, in order to secure articles of the first necessity, the most important principles of that system had been occasionally abandoned or changed, and that recently; if gentlemen could not show something connected with the state of this country, some difficulty not yet referred to, which will lead them to refuse to us what they have yielded to others, this objection to our acting on the subject might be completely answered. Mr. L. proceeded to cite instances of her relaxa-

tion of her navigation and colonial system from her statute book.

By an act of 1806, he said, many articles, and among them live stock, might be imported into the British West Indies from any country in America but the United States, in the vessels of such country.

By the act of 1807, masts, timber, flax, hemp, and many articles of naval equipments, might be imported into England in any vessels, although not of the country of which such articles are the produce.

As to the general attachment of the British Government to this system, the admission of importation of certain articles from every other Power but the United States, was no evidence of the mere attachment of the British people or Government to the navigation law. It was because she found that certain articles she could procure in her own vessels, others she could not, that she submitted to the principle of reciprocity in some instances, and consented to receive in the vessels of other nations what she could not get in sufficient quantity, or could not get at all, in her own. Mr. L. said he believed, too, though he had not seen the law, or a quotation from it, that she had relaxed her system in another particular. Bermuda had been declared a free port, and had been so declared in anticipation of some such measure as that now under consideration. This proved that Great Britain could, upon occasion, relax her system; though, if the House decided to be content with the little modicum of trade now carried on with the British colonies, in the vessels of that country, and to refrain from acting on the subject, there could be no doubt but that Government would show a consistency in maintaining, in relation to us, the same system which no other nation admits, and which applies to us because we alone are willing to submit to it.

The gentleman from Pennsylvania (Mr. HOPKINSON) seemed to suppose, not that it was not in the power of that Government to relax its system, but that it was impossible for us to coerce the Government to admit us to a participation in this navigation. The ground taken by the gentleman was, that the attachment of the British Government to the navigation law was so much stronger than its attachment to the colonies, that, if the effect of the passage of this bill were never so great, its greatest effect could not shake that Government and people from a system to which they are deeply attached. The facts, Mr. L. said, which he had already stated, in regard to relaxations of the navigation system, furnished a complete answer to this argument of the blind adherence of the British Government to its navigation system.

Could any one examine the situation of the West India islands, without being satisfied that the effect of cutting them off from their ordinary supplies, must be to injure the prosperity of the mother State, and impair its commerce and navigation? The operation of the measure embraced in this bill was not that to which the gentleman referred; not that of inflicting local distress in the islands, to which the British Government would be indifferent; but, as the establishments in these islands were connected with others in the mother country, where indeed many of the proprietors resided, the result of the measure would be, Mr. L. firmly believed, to produce such an impression altogether as to require the British Government to relax its system, in one instance, as it already had done in others, to secure a general benefit. Grant that one of the islands should substitute the culture of maize for that of sugar, the effect would be, not merely a loss on the revenue to the West India planter, and to the proprietor in England, but also to the commerce of the mother country, &c.; and in thus attempting to deprive her neighbor of her fair claim to a share in a trade reciprocally advantageous, the British nation would injure its own navigation. This reasoning would show, that, if Great Britain would relax, for particular reasons, as he had shown she had done heretofore, this measure would furnish a strong inducement to her to do so, in this instance, without attributing to it coercive effects. In this latter effect of the bill, however, Mr. L. expressed no great confidence. He did not know, he said, but that the disadvantage which would result to British navigation, from the employment which an addition to our navigation (by a relaxation of her policy) would give to 2,500 American seamen, might not be sufficient to induce them to refuse to throw open the ports of colonies, important as the measure might be to them. He did not say such would be the result; but surely, if the motive of the present policy of Great Britain was to be found in the watchful jealousy of a rival Power, did it not furnish a strong argument why every measure on the part of this Government should be taken to counteract it?

Now, Mr. L. said, whether the effect of a resort to the measure before the House should be to induce Great Britain to abandon her policy; or whether, as all appeared to suppose, to make that trade a circuitous one, in either view did it not hold out sufficient inducement to us to adopt, even though it might involve some little sacrifice of other interests? For himself, he said, he did not believe, however, that from either of the systems proposed, the injury to those interests would be anything like that which gentlemen on the one hand appeared to have supposed, and on the other to have admitted.

But, Mr. L. said, he should not vote for either of the bills before the Committee, if only intended to produce a relaxation in the British system. He discriminated between the measure embraced in either of these bills, and those measures to which gentlemen had appeared to assimilate it. In doing so, he said he should vote for this measure, not merely on account of the tendency it might have to produce a relaxation of the British colonial policy, but because it must, operate as it will, produce a state of things greatly preferable to that which now exists. If indeed he were confident that this bill would not produce an aban-

donment of the policy it proposes to counteract, he should vote for it, on account of the partition of navigation with England which it would effect, by making the trade with the colonies circuitous. Mr. L. was anxious that the bill, or the amendment proposed to it, one or the other, should pass into a law; but he did not see an assignable reason why one of them was preferable to the other. As to the argument used by the Speaker, in opposition to the amendment, that the duties would fall on the consumers, at the first appearance of this doctrine it was some answer to say, that, whilst of one portion of the products interchanged we are the consumers, of the other we are the producers. If the principles were true, which Mr. L. by no means admitted, that the duties on that part which we consume would fall wholly on us, the duties on the other portion would fall wholly on the West India colonies. But Mr. L. did not admit, that the duties proposed would, in any material degree, fall on the consumer; since it must be evident, as he demonstrated, that the price of the articles heretofore imported from the British West Indies, in our market, must be regulated by the price at which we can import them from other quarters. If they continued to be imported, therefore, at all, the articles imported, and not the consumer, would pay the additional duty. A case might be imagined, in which they could not afford to sell, nor we to purchase; in which case the trade would be stopped altogether. The articles imported from the islands must be sold, not at the price which their merchants could afford, but, in consequence of their competition with imports of the same articles from other quarters, at the same price, after the additional duty should be imposed, at which they had sold before. But, in relation to the duty on exportation, and all the charges of it, it must fall, in a very considerable degree, on the consumers: it must do, because they purchase from us what they cannot procure anywhere else on the same terms—articles of absolute necessity. Where Great Britain can get them from other Powers, she does already; heavy duties being now laid on those articles imported from the United States. Upon the whole view of the operation of the proposed additional duties, it was evident, Mr. L. said, that the cost of transportation and the duties would fall principally on the West India colonies.

Mr. L. confessed, however, that independently of the considerations of interest which he had urged—apart from every view of detail—he found great difficulty in reconciling to his judgment the carrying on, without even an attempt to counteract it, of a trade which served exclusively the policy of another Power. If Great Britain had declared that there should be no trade between us and her colonies, it would have been proper to submit to it. But to admit it to be carried on in such ships only as she pleases, to obtain for her all the advantages of the most restrictive monopoly, might not a case occur in which it would not be proper to yield to this policy? It would be difficult to persuade him that, furnishing the articles of necessity we do, and seeing the industrious efforts of the British Government to obtain them from every other country, we ought longer to yield to it now.

In opposition to the argument in favor of this measure, drawn from its effecting a partition of the navigation with Great Britain in the trade between this country and her colonies, he had scarce heard any objection. Some gentlemen seemed to think that the effect would be merely to divert the course of trade, and promote the growth of the English Northern colonies, and that it would not lead to a free trade; to which idea the establishment of a free port gave an air of probability. But Mr. L. had no apprehension of it. The policy of the mother country as to the colonies was matured and settled: whatever encouragement could be given to her North American colonies in this respect, without great hazard, had been already given; and everything had been already drawn from that quarter for the supply of the West Indies, that could be, except at such a price as would destroy cultivation in the West Indies. They had already been so much fostered, that it was not probable that greater encouragement could be given them. Mr. L. said he was not sure that it entered into the national policy of England to encourage the growth of our Northern frontier in preference to that of our Southern, which would be the effect of forcing the colonies to obtain their supplies, as far as practicable, through the St. Lawrence. On the contrary, he believed she had more to fear from the augmentation of our strength in that quarter than any other; and that anything like a naval force on the Lakes would be regarded by her with at least as much alarm as on the Atlantic. He did not believe they could draw greater supplies than they now do from the Northern provinces; but, if it were otherwise, it was not the policy of the British Government to add to our strength on the Lakes, even by weakening it on the Atlantic.

In every view of the subject, Mr. L. was in favor of the passage of this bill, in one or the other of the forms offered to the Committee.

Mr. Hopkinson said, that the gentleman had mistaken him when he had supposed him to have said that it was not in the power of this Government to induce the British Government to abandon its policy in excluding us from a participation in the trade with its colonies. That, Mr. H. said, was not the question before the Committee, and, when the House had honored him with their attention, it had been his endeavor to confine himself to the question. He indulged in no speculative opinions. The inquiry was, solely, whether the measure before the Committee would have that effect. The course of my argument, said Mr. H. was this: I placed myself on the premises of the Speaker—I assumed his position, and used his redoubts. Agreeing with him in his premises, I thought upon his own grounds a sufficient answer could be given to the honorable Speaker. The ground assumed by the Speaker was, that the navigation system was the first object of the British national policy; that her pros-

perity and the continuance of her power was considered so intimately connected with it, that it was the corner-stone of her strength, the feeder of the lamp of her national glory. The question was, whether either of the measures before the House was of a nature likely to reach the subject. The gentleman had said that any feeling of the colonies was beside the mark; that the British Ministry would not dare to move a stone of this edifice till the public will should demand it. Assuming those grounds, Mr. H. said, he had endeavored to show the House that a measure directed against a small amount of colonial trade would not overcome such towering obstacles; that, when you desire to remove a mountain, you should not apply your force to a molehill; that when a great policy is to be changed, it is idle to begin at the little West India trade.

Thus much in explanation. But, whilst up, he would turn his attention to the argument of the gentleman from South Carolina. He knew, he said, that when he attacked the arguments of that gentleman, he was in danger of falling into error himself. On the present occasion, however, he thought the gentleman was himself in error. The ground of the Speaker was, that the navigation (not the colonial) system of Great Britain was one in respect to which the nation was more attached than to any part of their policy; that it was rooted in the national heart—and drew the conclusion, that to effect a change in a sentiment so deeply rooted, we ought to attack the nation at its extremities! Now, the gentleman from South Carolina, to show that the Speaker's premises were unfounded, and that the British nation was not so superstitiously attached to the system as the Speaker had supposed, brought forward instances in which she relaxed from the rigor of her system. If, said Mr. H., I understand the gentleman's instances, they prove directly the reverse of the inference he wished to draw from them, and sustain more firmly the position occupied by the Speaker and myself. Our position is, that the navigation system is the darling of the British nation: the gentleman from South Carolina speaks of the colonial system, and blends them together as if they were one and the same. But they are not. The colonial system, Mr. H. said, in the instances referred to, had been made to yield—to what? To the navigation system, to which commerce was made subordinate. Strictly speaking, on the colonial system, the British Government would insist on the produce of its colonies being carried first to England; but they permitted it to come direct to this country; and here was a relaxation of the colonial policy. How did they permit it to come here? In British vessels, navigated by British seamen. This went to show that the colonial and every other interest was made to bend to the production of ships and seamen. By permitting their produce to be brought here directly, and confining their trade to their own vessels, they extended their shipping, and increased their seamen; and that being their policy, this exception, as it was called, proved the rule; the commercial part of the colonial system was made to yield to the navigation system. But the House had been told that in 1807 an act had been passed by the British Parliament permitting articles of a certain description to be imported into England in other vessels than those of the country producing them. If we did not look at the articles, said Mr. H., this would be a good argument; but look at the articles, and it goes to strengthen our ground. They were, he said, articles of the first necessity, (masts, lumber, hemp, cordage, &c.,) things essential to the construction and maintenance of the Navy. When, therefore, Great Britain had relaxed one part of her navigation system, it was to favor another; when she had given away something, it was to get something more. This instance, also mentioned as an exception, was a sacrifice of the interests of commerce to those of navigation. She had given on one hand, to make more on the other. The other instances, also, Mr. H. contended, went to sustain his argument. Was there any instance, he asked, in which this system had been relaxed, except in relation to itself; except where some small advantage had been surrendered to gain a greater another way? Was there any instance in which the navigation system had been made materially to bend to commerce? He believed not.

Do we not deceive ourselves, said Mr. H., in regard to the strength of this necessity on which we rely? The argument is, that Great Britain is dependent on us for articles of the first necessity. I know, sir, that this was a theory very much cherished some time ago amongst us. But, however convenient the trade of this country in that respect to the West India islands, since they might obtain certain articles here better, from our proximity, than anywhere else; to say that they are wholly dependent on us for articles of the first necessity was, he said, in the face of the experience of the last ten years. We had set out on the starving system with a great deal of courage, but not with much success. Our measures might, for the time, have raised the prices of the articles they used to get from us, and of their production to us; but it had been proved that the necessity for our supplies was not indispensable. He had heard of no individual starved there, or any great evil the people in the Islands had sustained; and yet, that we had prohibitory laws as strict as we ever could have, no one would deny. The result is, said he, in conclusion, that your laws of this description cannot be executed; or, if executed, that they cannot produce the effect calculated on from them. The West Indies were either furnished without our supplies, or our supplies reached them in spite of all we could do.

The question was then taken on the adoption of the substitute for the bill, proposed by Mr. FORSYTH, and negatived—ayes 30.

Mr. JACKSON, of Virginia, renewed his motion to strike out the first section of the bill.

Mr. CLAY (Speaker) said, if a majority of the Committee was opposed to acting on this subject, he thought it would be better not to express

that disposition in the form now proposed. A postponement of the subject might produce a different impression. It would be extremely unfortunate, Mr. C. remarked, if we should say at once to Great Britain, by the rejection of this bill, that we mean to acquiesce in her policy in this respect.

Mr. Jackson said, that the decision of this question would be by no means decisive in regard to the disposition of the House to resist the British system. It might so happen, that the bill would fail in consequence of a difference of opinion between the two systems of duties or exclusion; that a majority of the House may concur in the general sentiment in favor of some provision, but that they may not unite in opinion as to the nature of that provision. If the amendment now proposed should prevail, it would be competent to the gentleman from Georgia to renew in the House his proposition, and then the whole subject might be postponed indefinitely. At the next session it might be more deliberately taken up, and this or some other course be pursued. As to guarding against Great Britain's understanding of our opinion on this subject, said he, I apprehend it would be labor in vain: that she will as well understand the difficulty of our legislation in consequence of the diversity of opinion, if the bill be postponed, as if it be rejected.

Mr. Smith, of Maryland, wished the gentleman to permit the bill to pass to the House. Mr. S. added a few words respecting our exports to the colonies. If the bill passed, the colonies would be compelled, absolutely, to get their naval stores from us, and the navigation employed in carrying them was not inconsiderable. If they were compelled to get them from the mother country, they must go hence to the mother country. These articles of indispensable necessity constituted a considerable portion, not far from half, of the six millions of our exports to the British West India colonies. Mr. S. said, he should vote against striking out the first section of the bill, preferring postponement, as not showing the same determination to submit to the British policy in this respect.

Mr. Taylor, of New York, said that, under existing circumstances, he thought it best not to act definitively on this subject. He should vote against striking out the first section of the bill, that it might be reported to the House, and laid on the table, with a view to wait such further information as may be received at this or the next Congress, when the subject may be resumed, but with the understanding that it should not be taken up unless further information should be received. It would then be left in the situation which he understood to be the wish of the majority, without being decided in one way or the other.

Mr. Wright, of Maryland, expressed his sentiments on the subject. He considered the measure proposed in the bill, as one of perfect justice, which he hoped would be definitively acted on. He was sorry, he said, to hear some remarks which had been made in debate, calculated to produce an impression on the mind of the British Government, that we would do the thing if we dare—for that was the amount of the argument—that we ought to calculate the costs, that Great Britain never would recede, &c. Mr. W. said, he was sure she never would relax her policy, until it was made by this country her interest to do so. He had been gratified by the observations of his friend from South Carolina, which had shed a light that had dissipated all doubts on the subject. This was the time, if ever there was one, when Great Britain could be induced to relax her policy, owing to the scarcity of breadstuffs. He took occasion to say that he despised the Administration of England and their conduct, but he had no hostility to the people. He had forborne, he said, early in the debate, from speaking on this subject, because he did not understand it as well as the commercial men in the House. But, as his colleague and the gentleman from South Carolina had given so luminous a view of the subject, so far from its wanting a majority, he hoped the bill would pass by an overwhelming majority. And why not? It had been said it would not be effectual in producing a relaxation of the navigation system. Mr. W. said, he was of a different opinion. It would starve the colonies, sow the seeds of rebellion among them, &c., and compel the Government to relax or lose them. He expatiated further on the reasonableness of this measure, and its probable efficacy.

Mr. Jackson, in consequence of the urgent request of several of his friends, withdrew his motion to strike out the first section of the bill.

The bill was then reported to the House, and ordered to lie on the table.

THE NAVIGATION BILL.

The Committee then took up the bill concerning the navigation of the United States, which having considered and amended, the Committee rose, and reported both bills with amendments.

In regard to the first of these bills, a motion was made by Mr. Sheffey to postpone it indefinitely.

But a motion, by Mr. Taylor, of New York, to lay the bill on the table, finally prevailed.

The House then took up the second bill, as amended, on motion of Mr. Lowndes, by the addition of several new sections.

Several amendments were proposed, which gave rise to considerable conversational debate, particularly one moved by Mr. Forsyth, to require that the fishing vessels, on which a bounty is paid by the United States, should be manned by a crew wholly composed (instead of three-fourths, as proposed by the bill,) of American citizens. The question was decided by yeas and nays—yeas 71, nays 71, as follows:

Yeas—Messrs. Alexander, Avery, Barbour, Bennett, Betts, Blount, Boss, Bradbury, Brooks, Bryan, Burwell, Cady, Cannon, Chappell, Clarke of North Carolina, Cook, Creighton, Crocheron, Culpeper, Darlington, Desha, Dickens, Edwards, Fletcher, Forsyth, Gold, Griffin, Hahn, Hardin, Harrison, Heister, Henderson, Hendricks, Hooks, Huger, Hungerford,

Jackson, Johnson of Virginia, Kerr of Virginia, Kilbourn, King, Little, Lumpkin, Lyle, William Maclay, William P. Maclay, McCoy, McLean, Miller, Newton, Parris, Pickens, Piper, Pleasants, Savage, Smith of Virginia, Southard, Taylor of South Carolina, Telfair, Thomas, Townsend, Wallace, Ward of New York, Whiteside, Wilcox, Wilde, Williams, Willoughby, William Wilson, Thos. Wilson, and Woodward.

NAYS—Messrs. Adams, Archer, Atherton, Baer, Bassett, Bateman, Baylies, Birdseye, Breckenridge, Brown, Calhoun, Carr of Massachusetts, Champion, Cilley, Conner, Crawford, Davenport, Findley, Gaston, Goodwyn, Hale, Hammond, Hawes, Ingham, Irving of New York, Jewett, Langdon, Law, Lowndes, Lyon, Marsh, McKee, Middleton, Mills, Milnor, Moore, Moseley, Jeremiah Nelson, Thomas M. Nelson, Noyes, Peter, Pickering, Pitkin, Randolph, Reed, Reynolds, Rice, Root, Ross, Ruggles, Schenck, Sharp, Sheffey, Smith of Pennsylvania, Smith of Maryland, Stearns, Strong, Stuart, Sturges, Taggart, Tallmadge, Taul, Taylor of New York, Tyler, Vose, Ward of Massachusetts, Wendover, Wilkin, Wright, Yancey, and Yates.

The SPEAKER voted in the negative.

The bill was finally amended so as to bring it into the following shape:

A Bill concerning the Navigation of the United States.

Be it enacted, &c., That, after the first day of September, no goods, wares, or merchandise, shall be imported into the United States from any foreign port or place, except in vessels of the United States, or in such foreign vessels as truly and wholly belong to the citizens, or subjects, of that country of which the goods are the growth, production, or manufacture; or from which such goods, wares, or merchandise, can only be, or most usually are, first shipped for transportation: *Provided, nevertheless,* That this act shall not extend to the vessels of any foreign nation which has not adopted, and which shall not adopt, a similar regulation of commerce.

SEC. 2. *And be it further enacted,* That all goods, wares, or merchandise, imported into the United States contrary to the true intent and meaning of this act, and the ship or vessel wherein the same shall be imported, together with her cargo, tackle, apparel, and furniture, shall be forfeited to the United States; and such goods, wares, or merchandise, ship or vessel, and cargo, shall be liable to be seized, prosecuted, and condemned in the same manner, and under the same regulations, restrictions, and provisions, as have been heretofore established for the recovery, collection, distribution, and remission of forfeitures to the United States by the several revenue laws.

SEC. 3. *And be it further enacted,* That, after the 30th day of September next, the bounties and allowances now allowed by law, to the owners of boats or vessels, engaged in the fisheries, shall be paid only on boats or vessels, the crews of which, or at least seven-eighths thereof, shall be proved to the satisfaction of the collector of the district, where such boat or vessel shall belong, to be citizens of the United States, or persons not the subjects of any foreign Prince or State.

SEC. 4. *And be it further enacted,* That no goods, wares, or merchandise, shall be imported, under penalty of forfeiture thereof, from one port in the United States to another port of the United States, in a vessel belonging wholly or in part to a subject of any foreign Power; but this clause shall not be construed to prohibit the sailing of any foreign vessel from one port of the United States to another port in the same States: *Provided,* no goods, wares, or merchandise, are taken in such vessel from one port of the United States to be landed in another port of the same States.

SEC. 5. *And be it further enacted,* That, after the 30th day of September next, there shall be paid a duty of fifty cents per ton upon every ship or vessel of the United States, which shall be entered in a district in one State from a district in another State, except it be an adjoining State on the seacoast, or on a navigable river or lake, and except, also, it be a coasting vessel going from Long Island, in the State of New York, to the State of Rhode Island, or from the State of Rhode Island to the said Long Island, having on board goods, wares, and merchandise, taken in one State to be delivered in another State. *Provided,* That it shall not be made on any ship or vessel having a license to trade between the different districts of the United States, or to carry on the bank or whale fisheries, more than once a year: *And provided also,* That if the owner of any such vessel, or his agent, shall prove, to the satisfaction of the collector, that three-fourths at least of the crew thereof, are American citizens, or persons not the subjects of any foreign Prince or State, the duty to be paid in such case shall be only at the rate of six cents per ton; but nothing in this section shall be construed to repeal or effect any exemption from tonnage duty given by the eighth section of the act, entitled "An act to provide for the establishment of certain districts," and therein to amend an act, entitled "An act to regulate the collection of duties on imports and tonnage, and for other purposes."

SEC. 6. *And be it further enacted,* That, after the 30th day of September next, there shall be paid upon every ship or vessel of the United States, which shall be entered in the United States, from any foreign port or place, the same tonnage duty which would be payable by a vessel belonging to the State or country to which such foreign port or place belong: *Provided, however,* That if the owner of such ship or vessel shall prove, to the satisfaction of the collector, that two-thirds at least of the crew are American citizens, or persons not the subjects of any foreign Prince or State, the duty to be paid in such case shall be only at the rate of six cents per ton: *And, provided also,* That this section shall not extend to ships or vessels of the United States, which are now on foreign voyages, until after their return to some port of the United States.

SEC. 7. *And be it further enacted,* That the several bounties and remissions, or abatements of duty, allowed by this act, in the case of vessels having a certain proportion of seamen who are American citizens, or persons not the subjects of any foreign Power, shall be allowed only in the case of vessels having such proportion of American seamen during their whole voyage, unless in case of sickness, death, or desertion, or where the whole or part of the crew shall have been taken prisoners in the voyage.

The bill was then ordered to be engrossed for a third reading without opposition, and the House adjourned.

MONDAY, February 3.

Mr. HOPKINSON presented a petition of "The Pennsylvania Society for promoting the aboli-

tion of slavery, the relief of free negroes unlawfully held in bondage, and for improving the condition of the African race," praying that further measures may be adopted for the protection of the rights of free negroes.—Referred to the committee appointed on that part of the President's Message which relates to the African slave trade.

Mr. Darlington presented a petition of sundry inhabitants of Pennsylvania, complaining of the many and great impositions to which they are subjected, in consequence of the number of unjust, absurd, and frivolous patents, which have been granted to a set of speculators, and praying that additional restrictions may be imposed on the issuing of patents.—Referred to the Committee on the Judiciary.

Mr. Chappell, from the Committee on Pensions and Revolutionary Claims, to which have been referred the petitions of Samuel Black; the heirs of George Nebinger, deceased; John Dent; John Armstrong; Maria S. Tyson; Nancy Armon; Sylvanus Townsend; and Asa Lyon; reported a bill, authorizing the payment of the principal and interest due on the loan office certificates therein named; which was read twice, and committed to the Committee of the Whole, on the bill from the Senate for the relief of the heirs of Landon Carter, deceased.

Mr. Hugh Nelson, from the Committee on the Judiciary, to which was committed the bill from the Senate, entitled "An act to provide for the due execution of the laws of the United States, within the State of Indiana," reported the same without amendment, and the bill was committed to a Committee of the Whole.

On motion of Mr. Yancey, the Committee of Ways and Means were instructed to inquire into the expediency of increasing the duty imposed on foreign spirits.

A message from the Senate informed the House that the Senate have passed bills from this House of the following titles, to wit: "An act to explain the act to authorize certain officers, and other persons, to administer oaths," approved May the 3d, 1798, with amendments; "An act directing the discharge of William Smith from imprisonment;" "An act making an appropriation to enable the President of the United States to hold treaties with the Indian tribes, for the purpose therein mentioned;" "An act providing for the division of certain quarter-sections in future sales of the public lands;" and "An act for the relief of John Haslett;" in which amendments and bills they ask the concurrence of this House.

The engrossed bill "concerning the navigation of the United States," was read the third time, and passed.

A Message was received from the President of the United States, in relation to discriminating duties on British vessels and their cargoes; which was read, and referred to the Committee of Ways and Means.

Mr. Yancey, from the Committee of Claims, to which was committed the bill from the Senate, entitled "An act authorizing the settlement of the accounts of Flavil Sabin, deceased," reported the same without amendment; and the bill was committed to the Committee of the Whole on the bill for the relief of Caze and Richaud.

Mr. Yancey, from the same committee, made detailed reports on the petitions of Peter Caslard, Jumonville de Villiers, Madame Montreuil, John de Castanado, James H. Boisgervais, and Antoine Bienvenue; which said reports were severally read; when Mr. Y. reported the following bills, to wit: A bill for the relief of Peter Caslard; a bill for the relief of Jumonville de Villiers; a bill for the relief of Madame Montreuil; a bill for the relief of John de Castanado; a bill for the relief of Antoine Bienvenue; and a bill for the relief of James H. Boisgervais: which said bills were severally read twice, and committed to a Committee of the Whole, to which is committed the bill for the relief of Caze and Richaud.

REPORTS ON VARIOUS CLAIMS.

The reports in the cases of Villiers, Montreuil, Bienvenue, and Castanado, are as follows:

[Report on the case of Jumonville de Villiers.]

That, in the months of December, 1814, and January, 1815, the American troops called to the defence of New Orleans, and commanded by General Andrew Jackson, were stationed on the plantation of the petitioner; that, while so stationed there, it became necessary to use for fuel, for the use of the troops, a quantity of fencing, and the petitioner requests of Congress to pay him the value thereof, and also the value of a quantity of sugar cane and sugar, which he states were used by the troops of the United States.

The committee are of opinion, that the fencing having been made use of for fuel, which could not have been procured of the ordinary kind, from the nature of the service, and the circumstances under which the troops were collected for the defence of New Orleans, the claimant is entitled to relief, so far as respects the value of the fence, but that the Government cannot be considered liable for the destruction of the cane or use of the sugar, it being neither necessary for the service nor for the sustenance of the army. Pursuant to this opinion they report a bill, authorizing payment for the fence only.

[Report on the case of Madame Montreuil.]

That the petitioner owned a plantation situated below New Orleans, which was occupied by the American army in 1814 and 1815, and upon which public works for the defence of the country were erected; that, in consequence of such occupation, and the erection of a line of public works through the plantation, it has received considerable injury, and would cost a considerable sum to place it in the same situation it was in before its occupation.

The committee are of opinion the petitioner is entitled to relief, and therefore report a bill.

[Report on the case of Antoine Bienvenue.]

That the claimant was owner of an elegant and well furnished house situated below the city of New Orleans, and between the positions occupied by the American and British armies in December, 1814, and January, 1815. In consequence of this situation of the house and the two armies, it afforded a shelter to the British army, and was, by General Jackson, or-

dered to be fired on with hot shot for its destruction. It was several times fired on by Commodore Patterson and set fire to, which was extinguished by the British forces. In consequence of the destruction of the house and furniture, and other houses adjacent to the dwelling-house, the petitioner has sustained considerable injury, for which he prays Congress to remunerate him.

The committee are of opinion he is entitled to relief, and therefore report a bill for that purpose.

[Report on the case of John de Castanado.]

That the petitioner owned a plantation and house situated on the right bank of the Mississippi, below New Orleans, and that a battery was erected, by order of the commanding officer, in front of the house, and close by it; in consequence of which the house received much injury from the British artillery. The petitioner had also a quantity of wood and hay taken from him and used by the army, for which he requests that he may be paid.

It appearing to the satisfaction of the committee that the house and plantation of the petitioner were injured in consequence of their occupation for military purposes, and that the wood and hay were necessarily used for the army, they are of opinion the petitioner is entitled to relief, and therefore report a bill to that effect.

THE MILITIA.

Mr. HARRISON offered the following resolution:

Resolved, That a committee be appointed to inquire whether any, and, if any, what amendments are necessary to the Constitution of the United States, to enable the Government thereof to adopt such a system of military instruction and discipline for the militia, as to make it a safe and effectual national defence.

The House having agreed, by a small majority, to consider the resolution—

Mr. H. entered into an explanation of his reasons for offering the motion, and referred to the Constitution, to show that Congress had no power to call out the militia for the purpose of training them, or to grant a dollar to defray the expense for that object. Mr. H. concluded by saying, that he believed, without adopting some such course, all hope of training the militia might be abandoned, &c.

Mr. PICKERING opposed the resolution, and spoke against its object. He was of opinion that the militia could never be disciplined without placing a part periodically on the footing of regular soldiers, and that idea he had long abandoned. He thought the General Government ought to be satisfied with arming and regimenting the militia, and then leave their discipline to the States; that the present attempts to train them were attended with great expense; and that the people would never consent to place the great power contemplated by this motion in the hands of the Executive. Mr. P. took this occasion to dispute what has been frequently advanced, that General WASHINGTON had approved the plan submitted to Congress, in 1790, by General Knox, then Secretary of War, but that General WASHINGTON had simply sent it to Congress, without expressing either approbation or disapprobation.

Mr. HARRISON replied to Mr. PICKERING'S remarks, and referred to documents and other testimony, to establish the fact, that the plan for classing and disciplining the militia drawn up by General Knox had been sanctioned by the judgment of General WASHINGTON; and said further, as to the popularity of the motion, he was ready to take it on himself, and was willing his popularity should be sacrificed in attempting to accomplish an object of such vital importance to the country, &c.

The resolution was, on motion of Mr. YANCEY, laid on the table.

BANKS IN THE DISTRICT OF COLUMBIA.

The SPEAKER then proceeded to call over the otders of the day; when

Mr. LEWIS moved that the House go into Committee of the Whole, on the bills to incorporate certain banking institutions in this District.

Mr. RANDOLPH moved the indefinite postponement of those bills; but, on the suggestion of the SPEAKER, as the proper way of getting at his object, Mr. R. varied his motion to a discharge of the Committee of the Whole, from the further consideration of the bills mentioned. Mr. R. then entered into a wide discussion of the expediency of authorizing additional banks, as at present conducted, condemning the policy pursued by the Government on this subject already, and against chartering other companies for the issue of paper, without probably a dollar of capital, &c. Mr. R. spoke nearly an hour, in his usual diffuse and desultory manner.

Mr. LEWIS replied, that the object of the bill was mistaken, for it was to make the banks about to be chartered pay specie, instead of authorizing them not to do it; and said the very bank now under consideration had more specie in its vaults, in proportion to its capital, than any bank South of Philadelphia; that this District had less bank capital, in proportion to its population, than any city in the neighboring States, and he could see no reason for refusing them charters, &c.

Mr. RANDOLPH replied, and spoke again at great length.

Mr. SHEFFEY replied at great length, to what he termed Mr. RANDOLPH'S discourses on matters and things in general, and supported the incorporation of the companies praying charters, as demanded by justice and impartiality, as well as other considerations.

Mr. RANDOLPH rejoined, and entered again into a general review.

Mr. HERBERT spoke at some length in favor of granting the charters; and Mr. GOLDSBOROUGH spoke at some length in favor of the postponement.

Messrs. CALHOUN, ROSS, and DESHA, made some remarks on questions introduced by Mr. RANDOLPH, unconnected with the bills before the House.

The motion to discharge the Committee of the Whole, from the further consideration of the bills referred to, was taken and carried.

The question then recurred on the other branch of the motion, viz., to postpone the bills indefinitely.

Mr. PETER rose to oppose the motion, and to reply to Mr. RANDOLPH, but the question being already taken on one division of the question, it was considered not to be in order to debate the remaining branch of it at this stage of the business.

After some conversation, the question on the indefinite postponement of the bills was taken, and decided in the affirmative—yeas 77, nays 64, as follows:

YEAS—Messrs. Adams, Adgate, Alexander, Archer, Barbour, Bassett, Bateman, Baylies, Bennett, Betts, Boss, Brown, Bryan, Burwell, Calhoun, Cannon, Carr of Massachusetts, Champion, Chappell, Cilley, Clayton, Clendennin, Condict, Cook, Crawford, Darlington, Desha, Edwards, Forney, Hahn, Hale, Hall, Hammond, Hardin, Heister, Hendricks, Hooks, Hopkinson, Ingham, Johnson of Virginia, King, Langdon, Law, Little, Lyle, William Maclay, William P. Maclay, Marsh, Mason, Miller, Moore, Thomas M. Nelson, Parris, Pickens, Piper, Randolph, Reed, Roane, Root, Ross, Savage, Schenck, Smith of Pennsylvania, Smith of Virginia, Strong, Taul, Telfair, Thomas, Tyler, Vose, Wallace, Wheaton, Whiteside, Wilcox, Williams, William Wilson, and Woodward.

NAYS—Messrs. Atherton, Avery, Baer, Baker, Birdseye, Blount, Brooks, Cady, Caldwell, Comstock, Crocheron, Culpeper, Davenport, Forsyth, Goldsborough, Goodwyn, Harrison, Hawes, Herbert, Huger, Hungerford, Irving of New York, Jackson, Kerr of Virginia, Kilbourn, Lewis, Lovett, Lowndes, Lumpkin, Lyon, McCoy, McLean, Milnor, Moffitt, Moseley, Jeremiah Nelson, Hugh Nelson, Newton, Peter, Pickering, Pitkin, Pleasants, Reynolds, Rice, Robertson, Ruggles, Sharp, Sheffey, Southard, Stearns, Stuart, Tallmadge, Taylor of New York, Taylor of South Carolina, Townsend, Ward of Massachusetts, Wendover, Wilde, Wilkin, Willoughby, Thomas Wilson, Wright, Yancey, and Yates.

The bill to prevent the circulation of the notes of unchartered banks in the District of Columbia, was ordered to lie on the table.

TUESDAY, February 4.

Mr. LOWNDES, from the Committee of Ways and Means, to which have been referred the petitions of the manufacturers of umbrellas in Philadelphia, Boston, and New York, and the petition of sundry merchants and coppersmiths in Boston, made a report thereon; which was read, and the resolution therein contained, was concurred in by the House, as follows:

Resolved, That the prayer of the petitioners, who ask that "plate, braziers' and still copper" be exempt from duty, ought not to be granted.

Mr. JOHNSON, from the Committee on Military Affairs, reported a bill respecting the ransom of American captives of the late war; which was read twice, and committed to the Committee of the Whole on the bill for the relief of infirm, disabled and superannuated officers and soldiers.

Mr. JOHNSON, from the same committee, made a report on the inquiry they were instructed to make, into the expediency of educating, at the Military Academy at West Point, the sons of those officers and soldiers who have fallen in battle, while in the service of the United States.

[The report states that the committee have considered the subject, and have instructed their chairman, when the bill for establishing additional Military Academies shall come up, to move an amendment thereto, embracing the object above mentioned.]

Mr. THOMAS, from the Committee on Indian Affairs, made a report respecting the amount of capital employed in trade with the Indians, which was read; when, Mr. T. reported a bill to regulate trade and intercourse with the Indian tribes, and to exclude foreigners from a participation therein; which was read twice, and committed to a Committee of the Whole.

Ordered, That the Committee of the whole House, to which is committed the bill for the relief of certain sufferers during the late war, be discharged from the consideration thereof, and that the said bill be committed to the Committee of the whole House on the bill for the relief of infirm, disabled, and superannuated officers and soldiers.

On motion of Mr. ORMSBY, the Committee of Commerce and Manufactures were instructed to inquire into the expediency of establishing, by law, Louisville, in the State of Kentucky, a port of entry and delivery.

The bill from the Senate directing the discharge of William Smith from imprisonment, was read twice and committed to the Committee of the whole House, to which is committed the bill of this House of the same title.

The bill from the Senate making an appropriation to enable the President of the United States to hold treaties with the Indian tribes for the purpose therein mentioned, was read twice and committed to a select committee; and Mr. WILLIAMS, Mr. ROBERTSON, Mr. THOMAS, Mr. MCLEAN, Mr. JACKSON, Mr. HERBERT, and Mr. CADY, were appointed the committee.

The bill from the Senate, providing for the division of certain quarter sections in future sales of the public lands, was read twice and committed to the Committee on the Public Lands.

The bill from the Senate for the relief of John Haslett, was read twice, and referred to the Committee of Ways and Means.

The amendments proposed by the Senate to the bill "to explain the act to authorize certain officers and other persons to administer oaths, approved May 3d, 1798," were read and agreed to.

DOMESTIC MANUFACTURES.

Mr. W. P. MACLAY presented a petition from sundry manufacturers of iron, in the county of Huntingdon and State of Pennsylvania, praying that additional duties may be imposed on iron imported into the United States.

Mr. SCHENCK presented a petition of sundry inhabitants of the city of New York, on behalf of the domestic manufactures within the United States.

Mr. SCHENCK also presented a similar petition from the merchants of the said city of New York; which were, respectively, referred to the Commit-

tee of Commerce and Manufactures.—The last named memorial is as follows:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the merchants of the city of New York respectfully represents:

That your memorialists, witnessing the sinking condition of the commercial interests of our country, have, upon investigating the causes, been led to the full conviction that nothing short of the protecting arm of the Government can rescue it from that ruin to which it is rapidly approaching.

That, since the peace in Europe, the interdiction of European manufactures on the European continent, conspiring with other causes which we shall notice, has not only occasioned our markets to be glutted to an alarming degree, but has arrested trade from its best and accustomed channels, and given it a direction which, if pursued, must inevitably ultimate in the ruin of the mercantile establishments of our country.

Sympathy and patriotism combine to induce us, while on this subject, to speak also in behalf of the manufacturing interest of the nation. The same causes which are operating the destruction of our commercial prosperity are fast precipitating our manufacturing brethren to the abyss of ruin. The fate of the one is necessarily involved in that of the other, and the destiny of the nation inseparably interwoven with the welfare of both.

It is a lamentable fact, that our laws operate to give fugitive commercial agents advantages in this country, which, independent of fraudulent dealing, transfers the trade of our country into the hands of transitory strangers, enables them to monopolize the market, drive our merchants from business, and arrest the industry of our manufacturers.

It is the practice of the foreign merchant to ship his goods to this country, invoiced at very reduced prices, to one of his agents here, who, having entered them, delivers them for sale to the hands of another agent, who is furnished with the true invoice. The owner is beyond the reach of our laws. He who enters them affects to know nothing of them, but through the medium of the invoice he receives. He who holds the true invoice has no agency in their entry. Thus, they all elude the penalties of the law; and the revenue, the merchant, and the manufacturer, become the common victims of foreign frauds.

Added to this, sales at auction are excessively hostile to our mercantile and manufacturing interests, This mode of sale, besides affording to foreign agents an early harvest of the fruits of their frauds, gives to them advantages in which the regular merchant cannot participate—advantages which are prohibited to them in their own country, the wise policy of which interdicts (except in a few instances) all sales at auction, owing to their evil effects on the mercantile and manufacturing interests. By this mode of sale, the fair merchant is stripped of all the advantages which a necessary establishment, large expenditures, and a long course of honorable dealing, had acquired to him; whilst strangers, bound by no ties to this country; who bear none of its burdens; who perform no civil duties, nor any service, in peace or war; who are at no expense, either of house-keeping, store-rent, or clerk-hire; who are so transitory as scarcely to be amenable to our laws;—are enabled to monopolize our money and our markets, by which means our merchants are obliged, in many instances, to sacrifice their goods through the same channel, in order to pay their bonds for duties to the Government, and many are induced in moments of distress to raise money by sales at auction, and, by thus concealing their insolvent circumstances for a time, involve themselves and their benefactors in ruin.

It is too often the case that one foreign agent is admitted to become security for another, for duties which they never intended to pay; and any probable sacrifice at auction is met by the countervailing act of absconding and leaving their bonds unpaid.

With respect to the manufacturing interests of our country, your memorial think proper to observe, that, when the aggressions of Great Britain made an appeal to arms necessary, the nation found itself dependent on the enemy, even for the munitions of war and the clothing of our armies.

The procurement of these essential supplies led to an illicit trade, which not only drained us of our specie, but tended to extinguish patriotism, demoralize the people, and degrade our national character. The necessities of the nation then called for domestic manufactures as the only remedy for evils so great; and adventurous and patriotic individuals, relying on the permanent protection which they were led to believe that Government would afford to domestic industry, embarked largely in manufacturing establishments, insomuch that the capital vested in machinery, buildings, and carrying on two branches of our manufactures, alone, amounted to $100,000,000.

It is admitted that the National Legislature, at its last session, bestowed upon this subject a wise and liberal consideration, and granted such encouragement as was by many then deemed sufficient, but which has since proved inadequate.

If England, before her manufactures were excluded from the European markets, was willing to encounter immense voluntary losses in the hope of destroying our infant manufactures by glutting our market, how much more animated must her efforts now be to preserve to herself the only legal market which the wise policy of the European Powers has left to her? But, notwithstanding all these disadvantages, we are confident, that, if our Government will continue to make this branch of domestic industry an object of its solicitude; if it shall be understood, both at home and abroad, that it is never to be abandoned or deserted—the struggle will not be long—we shall become able to compete with the full power of our adversary; our capitalists will no longer be retrained by the fear, and foreigners no longer fed with the hope, of our ruin.

Adverting to the means necessary for the protection of our manufacturing and mercantile interests, your memorialists beg leave respectfully to suggest the following as measures which will not only prove conducive to that end, but operate beneficially on the interest and prosperity of the nation at large:

1. That the duties imposed on foreign fabrics by the tariff at the last session of Congress, instead of being limited to two years, be made permanent.

2. That the importation of cotton goods manufactured beyond the Cape of Good Hope be prohibited.

3. That the revenue laws be revised, and so modified as to exclude foreigners from becoming sureties for duties, and to prevent smuggling, false invoices, and other frauds on the revenue.

4. That a duty of 10 per cent. be laid on all foreign goods sold at auction, with the exception of estates of American bankrupts and insolvents, persons deceased, and sheriffs and marshals' sales.

5. That it be recommended to the officers of the Army and Navy, and to all civil officers of the United States, to use American fabrics.

And your memorialists further request such aid and protection as will prevent the mercantile and manufacturing interests of the nation from becoming victims to that foreign policy and influence which is working their destruction.

And your memorialists, as in duty bound, will ever pray, &c. KING & HILLHOUSE,

And 173 others.

AMENDMENT TO THE CONSTITUTION.

Mr. CULPEPER moved to postpone the intervening orders of the day for the purpose of again taking up Mr. PICKENS's propositions to amend the Constitution, which were under discussion some weeks ago.

The motion was supported by the mover, and also by Mr. PICKENS, who thought the subject had been so fully debated that every member was prepared to vote on the question, and he wished the subject to be taken up, that it might be decided on at once.

The House, however, refused to go into the consideration of the resolution—ayes 59, noes 73.

INTERNAL IMPROVEMENT.

The House, on motion of Mr. CALHOUN, resolved itself into a Committee of the Whole, on the bill to set apart and pledge, as a permanent fund for internal improvement, the bonus of the National Bank, and the United States share of its dividends.

Mr. CALHOUN rose and observed, that it seemed to be the fate of some measures to be praised, but not adopted. Such, he feared, would be the fate of that on which we are now deliberating. From the indisposition manifested by the House to go into committee on the bill, there was not much prospect of its success; yet it seemed to him, when he reflected how favorable was the present moment, and how confessedly important a good system of roads and canals was to our country, he might reasonably be very sanguine of success. At peace with all the world, abounding in pecuniary means, and, what was of the most importance, and at what he rejoiced, as most favorable to the country, party and sectional feelings immerged in a liberal and enlightened regard to the general concerns of the nation—such, said he, are the favorable circumstances under which we are now deliberating. Thus situated, to what can we direct our resources and attention more important than internal improvements? What can add more to the wealth, the strength, and the political prosperity of our country? The manner in which facility and cheapness of intercourse, added to the wealth of a nation, had been so often and ably discussed by writers on political economy, that he presumed the House to be perfectly acquainted with the subject. It was sufficient to observe that every branch of national industry—agricultural, manufacturing, and commercial—was greatly stimulated and rendered by it more productive. The result is, said he, that it tends to diffuse universal opulence. It gives to the interior the advantages possessed by the parts most eligibly situated for trade. It makes the country price, whether in the sale of the raw product or in the purchase of the articles for consumption, approximate to that of the commercial towns. In fact, if we look into the nature of wealth, we will find that nothing can be more favorable to its growth than good roads and canals. An article, to command a price, must not only be useful, but must be the subject of demand; and the better the means of commercial intercourse the larger is the sphere of demand. The truth of these positions, said Mr. C., is obvious, and has been tested by all countries where the experiment has been made. It has particularly been strikingly exemplified in England, and if the result there, in a country so limited and so similar in its products, has been to produce a most uncommon state of opulence, what may we not expect from the same cause in our country, abounding as it does in the greatest variety of products, and presenting the greatest facility for improvements? Let it not be said that internal improvements may be wholly left to the enterprise of the States and of individuals. He knew, he said, that much might justly be expected to be done by them; but in a country so new and so extensive as ours, there is room enough, said he, for all the General and State governments and individuals, in which to exert their resources. But many of the improvements contemplated, said Mr. C., are on too great a scale for the resources of the States or individuals; and many of such a nature, that the rival jealousy of the States, if left alone, might prevent. They required the resources and the general superintendence of this Government to effect and complete them.

But, said Mr. C., there are higher and more powerful considerations why Congress ought to take charge of this subject. If we were only to consider the pecuniary advantages of a good system of roads and canals, it might indeed admit of some doubt whether they ought not to be left wholly to individual exertions; but when we come to consider how intimately the strength and political prosperity of the Republic are connected with this subject, we find the most urgent reasons why we should apply our resources to them. In many respects, no country of equal population and wealth possesses equal materials of power with ours. The people, in muscular power, in hardy and enterprising habits, and in a lofty and gallant courage, are surpassed by none. In one respect, and, in my opinion, in one only, are we materially weak. We occupy a surface prodigiously great in proportion to our numbers. The common strength is brought to bear with great difficulty on the point that may be menaced by an enemy. It is our duty, then, as far as in the nature of things it can be effected, to counteract this weakness. Good roads and canals judiciously laid out, are the proper remedy. In the recent war, how much did we suffer for the want of them! Besides the tardiness and the consequential inefficacy of our military move-

ments, to what an increased expense was the country put for the article of transportation alone! In the event of another war, the saving in this particular would go far towards indemnifying us for the expense of constructing the means of transportation.

It is not, however, in this respect only, that roads and canals add to the strength of the country. Our power of raising revenue, in war particularly, depends, said he, mainly on them. In peace our revenue depends principally on the imposts; in war this source, in a great measure, fails, and internal taxes, to a great amount, become necessary. Unless the means of commercial intercourse are rendered much more perfect than they now are, we shall never be able in war to raise the necessary supplies. If taxes were collected in kind, if, for instance, the farmer and mechanic paid in their surplus produce, then the difficulty would not exist, as, in no country on earth, is there so great a surplus, in proportion to its population, as in ours. But such a system of taxes is impossible. They must be paid in money; and, by the Constitution, must be laid uniformly. What, then, is the effect? The taxes are raised in every part of this extensive country, uniformly; but the expenditure must, in its nature, be principally confined to the scene of military operations. This drains the circulating medium from one part and accumulates it in another, and perhaps a very distant one. The result, said he, is obvious. Unless it can return through the operation of trade, the parts from which the constant drain takes place must ultimately be impoverished. Commercial intercourse is the true remedy to this weakness; and the means by which that is to be effected, are roads, canals, and the coasting trade. On these, combined with domestic manufactures, does the moneyed capacity of this country, in war, depend. Without them, not only will we be unable to raise the necessary supplies, but the currency of the country must necessarily fall into the greatest disorder—such as we lately experienced.

But on this subject of national power, what, said Mr. C., can be more important than a perfect unity in every part, in feelings and sentiments? And what can tend more powerfully to produce it, than overcoming the effects of distance? No country, enjoying freedom, ever occupied anything like as great an extent of country as this Republic. One hundred years ago, the most profound philosophers did not believe it to be even possible. They did not suppose it possible that a pure Republic could exist on as great a scale even as the island of Great Britain. What then was considered as chimerical, said Mr. C., we now have the felicity to enjoy; and, what is most remarkable, such is the happy mould of our Government, so well are the State and general powers blended, that much of our political happiness draws its origin from the extent of our Republic. It has exempted us from most of the causes which distracted the small Republics of antiquity. Let it not, however, be forgotten, let it, said he, be forever kept in mind, that it exposes us to the greatest of all calamities, next to the loss of liberty, and even to that in its consequence—*disunion*. We are great, and rapidly—he was about to say fearfully—growing. This, said he, is our pride and danger—our weakness and our strength. Little, said Mr. C., does he deserve to be intrusted with the liberties of this people, who does not raise his mind to these truths. We are under the most imperious obligation to counteract every tendency to disunion. The strongest of all cements is, undoubtedly, the wisdom, justice, and, above all, the moderation of this House; yet the great subject on which we are now deliberating, in this respect, deserves the most serious consideration. Whatever, said Mr. C., impedes the intercourse of the extremes with this, the centre of the Republic, weakens the Union. The more enlarged the sphere of commercial circulation, the more extended that of social intercourse; the more strongly are we bound together; the more inseparable are our destinies. Those who understand the human heart best, know how powerfully distance tends to break the sympathies of our nature. Nothing, not even dissimilarity of language, tends more to estrange man from man. Let us then, said Mr. C., bind the Republic together with a perfect system of roads and canals. Let us conquer space. It is thus the most distant parts of the Republic will be brought within a few days travel of the centre; it is thus that a citizen of the West will read the news of Boston still moist from the press. The mail and the press, said he, are the nerves of the body politic. By them the slightest impression made on the most remote parts is communicated to the whole system; and the more perfect the means of transportation, the more rapid and true the vibration. To aid us in this great work, to maintain the integrity of this Republic, we inhabit a country presenting the most admirable advantages. Belted around, as it is, by lakes and oceans, intersected in every direction by bays and rivers, the hand of industry and art is tempted to improvement. So situated, said he, blessed with a form of Government at once combining liberty and strength, we may reasonably raise our eyes to a most splendid future, if we only act in a manner worthy of our advantages. If, however, neglecting them, we permit a low, sordid, selfish, and sectional spirit to take possession of this House, this happy scene will vanish. We will divide, and in its consequences will follow misery and despotism.

To legislate for our country, said Mr. C., requires not only the most enlarged views, but a species of self-devotion not exacted in any other. In a country so extensive, and so various in its interests, what is necessary for the common good, may apparently be opposed to the interest of particular sections. It must be submitted to as the condition of our greatness. But were we a small Republic, were we confined to the ten miles' square, the selfish instincts of our nature might in most cases be relied on in the management of public affairs.

Such, then, being the obvious advantages of

internal improvements, why, said Mr. C., should the House hesitate to commence the system? He understood there were, with some members, Constitutional objections. The power of Congress is objected to—first, that they have none to cut a road or canal through a State without its consent; and next, that the public moneys can only be appropriated to effect the particular powers enumerated in the Constitution. The first of these objections, it is plain, does not apply to this bill. No particular road or canal is proposed to be cut through any State. The bill simply appropriates money to the general purpose of improving the means of communication. When a bill is introduced to apply the money to a particular object in any State, then, and not till then, will the question be fairly before us. Mr. C. gave no opinion on this point. In fact, he scarcely thought it worth the discussion, since the good sense of the States might be relied on. They will in all cases readily yield their assent. The fear is in a different direction; in a too great solicitude to obtain an undue share to be expended within their respective limits. In fact, he said he understood that this was not the objection insisted on. It was mainly urged that the Congress can only apply the public money in execution of the enumerated powers. He was no advocate for refined arguments on the Constitution. The instrument was not intended as a thesis for the logician to exercise his ingenuity on. It ought to be construed with plain, good sense; and what can be more express than the Constitution on this very point? The first power delegated to Congress is comprised in these words: "To lay and collect taxes, duties, imposts, and excises: to pay the debts, and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States." First—the power is given to lay taxes; next, the objects are enumerated to which the money accruing from the exercise of this power may be applied; to pay the debts, provide for the common defence, and promote the general welfare; and last, the rule for laying the taxes is prescribed—that all duties, imposts, and excises shall be uniform. If the framers had intended to limit the use of the money to the powers afterwards enumerated and defined, nothing could be more easy than to have expressed it plainly. He knew it was the opinion of some, that the words "to pay the debts, and provide for the common defence and general welfare," which he had just cited, were not intended to be referred to the power of laying taxes, contained in the first part of the section, but that they are to be understood as distinct and independent powers, granted in general terms; and are gratified by a more detailed enumeration of powers in the subsequent part of the Constitution. If such were in fact the meaning, surely nothing can be conceived more bungling and awkward than the manner in which the framers have communicated their intention. If it were their intention to make a summary of the powers of Congress in general terms, which were afterwards to be particularly defined and enumerated, they should have told us so plainly and distinctly; and if the words "to pay the debts, and provide for the common defence and general welfare," were intended for this summary, they should have headed the list of our powers, and it should have been stated, that to effect these general objects, the following specific powers were granted. He asked the members to read the section with attention, and it would, he conceived, plainly appear that such could not be the intention. The whole section seemed to him to be about taxes. It plainly commenced and ended with it, and nothing could be more strained than to suppose the intermediate words "to pay the debts, and provide for the common defence and general welfare," were to be taken as independent and distinct powers.—Forced, however, as such a construction was, he might admit it, and urge that the words do constitute a part of the enumerated powers. The Constitution, said he, gives to Congress the power to establish post offices and post roads. He knew the interpretation which was usually given to these words confined our power to that of designating only the post roads; but it seemed to him that the word "establish," comprehended something more. But suppose the Constitution to be silent, said Mr. C., why should we be confined in the application of money to the enumerated powers? There is nothing in the reason of the thing, that he could perceive, why it should be so restricted; and the habitual and uniform practice of the Government coincided with his opinion. Our laws are full of instances of money appropriated without any reference to the enumerated powers. We granted, by an unanimous vote, or nearly so, fifty thousand dollars to the distressed inhabitants of Caraccas, and a very large sum, at two different times, to the Saint Domingo refugees. If we are restricted in the use of our money to the enumerated powers, on what principle, said he, can the purchase of Louisiana be justified? To pass over many other instances, the identical power which is now the subject of discussion, has, in several instances, been exercised. To look no further back, at the last session a considerable sum was granted to complete the Cumberland road. In reply to this uniform course of legislation, Mr. C. expected it would be said, that our Constitution was founded on positive and written principles, and not on precedents. He did not deny the position; but he introduced these instances to prove the uniform sense of Congress, and the country, (for they had not been objected to,) as to our powers; and surely, said he, they furnish better evidence of the true interpretation of the Constitution than the most refined and subtle arguments.

Let it not be urged, that the construction for which he contended gave a dangerous extent to the powers of Congress. In this point of view, he conceived it to be more safe than the opposite. By giving a reasonable extent to the money power, it exempted us from the necessity of giving a strained and forced construction to the other enu-

merated powers. For instance, he said, if the public money could be applied to the purchase of Louisiana, as he contended, then there was no Constitutional difficulty in that purchase; but, if it could not, then were we compelled either to deny that we had the power to purchase, or to strain some of the enumerated powers to prove our right. It had, for instance, been said, that we had the right to purchase, under the power to admit new States—a construction, he would venture to say, far more forced than the one for which he contended. Such are my views, said he, on our right to pass this bill.

He believed that the passage of the bill would not be much endangered by a doubt of the power, as he conceived on that point there were not many who were opposed. The mode is principally objected to. A system, it is contended, ought to be presented before the money is appropriated. He thought differently. To set apart the fund appeared to him to be naturally the first act; at least he took it to be the only practicable course. A bill filled with details would have but a faint prospect of passing. The enemies to any possible system in detail and those who are opposed in principle, would unite and defeat it. Though he was unwilling to incorporate details in the bill, yet he was not adverse to presenting his views on that point. The first great object was to perfect the communication from Maine to Louisiana. This might be fairly considered as the principal artery of the whole system. The next was the connexion of the Lakes with the Hudson river. In a political, commercial, and military point of view, few objects could be more important. The next object of chief importance was to connect all the great commercial points on the Atlantic, Philadelphia, Baltimore, Washington, Richmond, Charleston, and Savannah, with the Western States; and, finally, to perfect the intercourse between the West and New Orleans. These seemed to him to be the great objects. There were others, no doubt of great importance, which would receive the aid of Government. The fund proposed to be set apart in this bill was about six hundred and fifty thousand dollars a year, which was doubtless too small to effect such great objects of itself; but it would be a good beginning; and he had no doubt, when it was once begun, the great work will be finished. If the bill succeeds at the next session, the details can be arranged, and the system commenced. He could not consider those who objected merely to the mode to be very hearty in favor of the system. Every member must know that in all great measures it is necessary to concede something—as it is impossible to make all think alike in the minutiæ of the measure who are agreed in principle. A deep conviction of the importance of the thing itself is almost sure to be accompanied with a liberal spirit of concession. The committee who introduced this bill gave it the shape in their opinion the most proper in itself and the most likely to succeed. If it cannot pass in its present form and under the present circumstances, it is certainly very doubtful whether it ever will. He felt a deep solicitude in relation to it. He was anxious that this Congress should have the reputation of it, and he was the more so, on account of the feelings which had been created against it. No body of men, in his opinion, ever better merited the confidence of the country than this Congress. For wisdom, firmness, and industry, it had never been excelled. To its acts he appealed for the truth of his assertions. The country already began to experience the benefit of its foresight and firmness. The diseased state of the currency, which many thought incurable, and most thought could not be healed in so short a time, begins to exhibit symptoms of speedy health. Uninfluenced by any other considerations than love of country and duty, said he, let us add this to the many useful measures already adopted. The money cannot be appropriated to a more exalted use. Every portion of the community, the farmer, mechanic, and merchant, will feel its good effects; and, what is of the greatest importance, the strength of the community will be augmented, and its political prosperity rendered more secure.

When Mr. CALHOUN had concluded his remarks, Mr. WRIGHT moved, for the purpose of destroying the bill, to strike out the first section.

Mr. PICKERING said he did not admit the latitude of construction given by the gentleman from South Carolina, (Mr. CALHOUN,) who introduced the bill, to the terms of the Constitution which he had quoted. Congress had power "to lay and collect taxes, duties, imports, and excises"—for what purpose? in order "to pay the debts and provide for the common defence and general welfare of the United States." Hence, the gentleman inferred, that as public roads and canals would promote the general welfare, therefore Congress had power to make roads and canals. If this interpretation of the Constitution be correct, then the subsequent enumeration of powers to be exercised by Congress was superfluous; for the terms "to provide for the general welfare," would embrace the following enumerated powers, and every other imaginable power, the exercise of which would promote the "general welfare." The object for which the Constitution was ordained, is explicitly declared to be "to promote the general welfare;" and the like words at the head of the specified powers appeared to Mr. P. as intended to mark the line within which the powers expressed or fairly implied should be exercised: they must all have for their object the "general welfare." Then follows the enumeration of the powers granted to Congress: all of which are manifestly calculated "to promote the general welfare." From the specific powers granted to Congress "to establish post offices and post roads," the gentleman from South Carolina had inferred, that Congress had power to make roads, on which the post riders might travel. This construction Mr. P. believed to be altogether erroneous. He remembered that the supposition, that Congress might, under that clause, exercise the power of making roads, in any State, and where they pleased, was offered as a serious ob-

jection to the adoption of the Constitution in the Convention of Pennsylvania, of which Mr. P. (then living in that State) was a member. And his recollection was probably the more perfect, because he answered the objections, observing that the power "to establish post offices and post roads," could intend no more than the power to direct where post offices should be kept, and on what roads the mails should be carried; and this answer appeared then to be entirely satisfactory.

But while the gentleman from South Carolina was speaking, it had occurred to Mr. P., that if Congress had the power to make roads and canals, it must necessarily be an implied one, and under the express power "to regulate commerce with foreign nations and among the several States, and with the Indian tribes." To give facility and safety to foreign commerce, and to that between the several States, in what is called the coasting trade, Congress had caused light-houses and beacons to be erected, piers in rivers to be constructed, and the coast to be surveyed, to ascertain and mark dangerous shoals. But commerce (which consisted in the exchange of commodities) was carried on by land, as well as by water; and if Congress, under the clause for regulating commerce, could rightfully do, what, from the formation of the Government, they had been doing and without a single objection—erecting light houses, beacons, and piers, to give facility and safety to commerce by water; why should they not exercise the like power to facilitate, secure and render less expensive, by means of roads and canals, the commerce *by land?* This, as it had occurred, Mr. P. suggested for consideration.

Mr. ROOT, of New York, moved an amendment to the section, (taking precedence of Mr. WRIGHT'S) by striking out the words "roads and," so as to confine the application of the fund exclusively to canals.

Mr. ROOT proceeded to support his motion; and said, if the national resources were to be directed to the internal improvement of the country, let them be applied to objects the least interfering with State policy, with State rights and sovereignty, and the best calculated to promote the general welfare and to aid in the regulation of commerce. These provisions in the Constitution he presumed would chiefly be relied on as giving power to Congress to act at all upon these subjects. It would hardly be pretended, he said, that the authority to establish post offices confers the power to lay out and work roads in despite of State regulations. The construction of roads is a municipal regulation, generally much more limited in its operation than the confines of a State. Except in some great leading roads, the convenience of counties and towns and even of neighborhoods, is, and ought to be, chiefly consulted. Roads, said Mr. R., even great leading ones, are used more by the inhabitants of their vicinity than by travellers from a distance. Not so with canals. They may connect distant States; unite in commercial connexions remote parts of the nation, and chain them together in bands not to be severed by ambition or faction. The distant boatman, the distant merchant make use of the canal, and by that means enhance the value of the farmer's produce, and reduce the price of merchandise necessary for his comfort. The inhabitants of its immediate vicinity derive no material advantages from it which are not shared in nearly an equal degree by their more remote neighbors, unless, as sometimes may happen, a village or town shall spring up in consequence. Canals are therefore, said he, more properly an object of national regard. Let your surplus treasure, Mr. Chairman, for it would seem that you have much of it, and I shall not urge the more rapid reduction of the public debt, nor the repeal of any of the taxes at this time; let your surplus treasure destined by this bill, not to be wasted, I hope, but to the achievement of great schemes of national grandeur, be directed exclusively to the construction of canals. Gentlemen, said Mr. R., may suppose that I have my eye directed to the contemplated great canal to connect the waters of the upper lakes with those of the Hudson river. I have, sir, I candidly confess, I have. If we are to go on in this way; if we are to expend the national resources on objects of this kind, said he, without waiting to examine our Constitutional powers, I wish to see a great national work accomplished; to see the waters of the Lakes connected with the Hudson and the Mississippi, Michigan with the Wisconsin and the Illinois, and Erie with the Wabash and Ohio. The intercourse between the Eastern and Western States might then form a ligature and a cement which no Hartford Convention could ever dissolve.

Mr. R. proceeded to show that a fund set apart for the construction of roads would not only operate very unequally upon different States, but might prove prejudicial to the roads themselves. From what he had heard stated, he said, he presumed that the first object was the great leading post road from Portland to Savannah, and perhaps he might say from Wiscasset, or even the bay of Passamaquoddy to St. Mary's. This road, he said, was already made from Wilmington in Delaware, to Portland in Maine, and he believed still further eastward. It is generally turnpiked, and by incorporated companies, who own the road, receive a toll, and are bound to keep it in repair. Will those corporations, he asked, permit you to apply any portion of your fund on their roads, under your direction, and without their consent? They might thank you for the money, but never permit you to lessen their tolls, nor to work upon the roads, unless corresponding with their wishes and under their direction. If you were to attempt to lay out a new road, or to assume to yourselves the present one, I imagine, said Mr. R., that you would find yourself unequal to the task of its execution. An assessment of damages to individuals or corporations, by authorities under your control, and an enforcement of your assumed powers, might meet with some little obstacle from State obstinacy, if you please, and eventually induce you to believe that you had nothing to do with the subject. Your money

and your tolls, authority and all, would then sink into one common grave.

A good road from Baltimore, said Mr. R., to this Metropolis is nearly completed. The art of constructing turnpike roads, and he might say science, too, for it was reduced to a science, was travelling, like empire, from the East to the West, and to the Southwest. It would presently find its way, aided by "the wise men of the East," from this city even through Virginia, the Carolinas, and Georgia. The enterprise of individuals and corporations, of capitalists, under the fostering care of State Legislatures, already wise, but daily becoming more so, will eventually effect the object.

But suppose, said Mr. R., that you make a good road at the national expense through those States which have neglected to provide for themselves? A South Carolinian or Georgian may find a trip to Congress more easy and pleasant, but is it fair to tax the industrious and provident to make roads for the negligent? It would not be pretended, he presumed, that the United States were to erect gates and gather tolls on the roads of their construction. How unfair, then, would it be to give a free road to the negligent, and subject the people to the east and to the north of this city to the payment of tolls? It would be granting a bounty to negligence, which justice as well as policy forbids. The impolicy of the measure must be evident to every discerning mind.

An accumulating fund is created for certain definite objects, no part of which will probably be applied for several years. In the meantime all individual, corporate, and State exertion will be suspended, in the hope of sharing in the national bounty. The most negligent will hope to share the most, as their roads will be in the worst condition; and even in those States where the roads are at present in good order they may be suffered to go out of repair, in hopes by that means to come in for a share of the national fund. But a worse evil still is to grow out of this measure if adopted. Congress are hereafter to direct the application of the fund. What a scene of intrigue, scrambling, and bargaining may it not exhibit!—give me this, and I will give you that, may hereafter become the arguments addressed to honorable members. He wished to preserve the purity of legislation unsullied—uncontaminated by anything of the kind.

Mr. R. observed that he could not distinctly discern the policy of setting apart any particular fund for a parti ular object. When any proper object of national expenditure was presented to his mind he would vote for it, if the finances of the country would justify the disbursement, and he cared not from what source of revenue the money was derived. His only care would be to have it faithfully and economically applied. It was true, he observed, that certain portions of the revenues had been set apart and pledged to certain purposes; six hundred thousand dollars annually to be derived from the customs, were permanently appropriated to the civil list, but this probably grew out of that care which members of a former Congress, as well as of this, felt for themselves—charity began at home. A million and a quarter of the sales of land in the Mississippi Territory were pledged to Georgia, and five per cent. of the sales of land in Ohio and Indiana are to be applied to the making of roads in and to those States. These pledges, said he, grew out of contracts, the first to secure the payment of the consideration of the cession of that country by Georgia to the United States, and the latter in consideration that the United States land within those States should be exempt from taxation for a certain number of years. He believed, he said, that the Western lands were originally pledged to the redemption of the public debt, but he imagined that the Commissioners of the Sinking Fund could hardly distinguish the money derived from a land office, from that derived from a custom-house or an office of excise.

He did not like pledges; they would either be broken in cases of emergency, or embarrass the fiscal operations of Government. Suppose, said Mr. R., that you had had, in the session of 1814 and 1815, an accumulated fund of ten millions, solemnly pledged to the construction of roads and canals, would you not have touched it? Would you not have seized upon it to save your sinking credit, and to feed and clothe your army? Yes, sir, you would have done it, and the occasion would have justified the measure. What would you say of an individual, Mr. Chairman; what should we all say, of a man—a planter, for instance—of large estate, who should pledge his crop of wheat to one object of expenditure, his tobacco to another, his corn to another, and his cotton to another, and by some device should attempt to put it out of his own power to change the direction? to endeavor to put it out of his own power to apply any portion of the avails of an abundant crop of one kind to supply the deficiency of another sort, which might happen to fail? We should, to say the best of him, declare his conduct very indiscreet. Mr. R. concluded by expressing a wish that we might have one great national purse, well replenished, and that Congress might, from time to time, order liberal, but not lavish disbursements for every object which may be well calculated to render this nation great, prosperous, and happy.

Mr. ROBERTSON, of Louisiana, next rose. He was opposed to the bill because it was vague, general, and unsatisfactory; because, in fact, it professed much and meant nothing. Where it was free from these objections there were others: it spoke of a pledge where there was no pledge; Congress had no power in this way to make one; it gave rise to no correspondent right vested in individuals or bodies corporate; no interest; could be repealed by any succeeding Legislature; and had no one feature of what it was called, a pledge. The bill, he said, was too general, and where it was specific, it was equally obnoxious to criticism. The gentleman from South Carolina, (Mr. CALHOUN,) from the wide range of his magnificent views, had singled out, as alone de-

serving the attention of the General Government roads and canals. Education had been forgotten; education, on which depended the existence of this Republic; he could consider no subject of so much importance; none which so urgently required the aid and intervention of a wise Administration. The people here are the foundation, the essential constituents of the Government; on their wisdom depends its wisdom; on their devotion to freedom depends its safety. I would strengthen the foundation before I ornamented the edifice. There is nothing wonderful in this scheme about roads and canals; it does not surprise by its novelty, or enrapture by its utility; other Governments have effected these things on plans even more magnificent than we propose. England and France have set us the example. As far as the prosperity of nations depends on works of this description, there is scarcely a despotism that may not set up high claims; have they ever endeavored to enlighten the people? No. Have we? No; because we are humble imitators.—Did the happiness of a people ever enter into the scheme of Administration? No, never; but they have been sufficiently kind to point out the means and facilitate the efforts of increasing wealth; and for what? That they might afterwards filch it from them by taxes, or take it from them by robbery, to expend in wars, on roads, canals, palaces, and other splendid displays, which highminded Governments are always proud to boast. I say again, let us educate and instruct the people. Nature makes man; education makes social man; it is a second creation. On the good sense and virtue of a people depend republicanism. Their wealth may be increased by roads and canals; but this wealth, if they are slaves, is not distributed among the mass, but divided between the Government and the favored few. Let a people alone and they will be sufficiently rich. Why are they poor? Because they are not permitted to labor and to enjoy the fruits of their labor in their own way; others officiously must intermeddle. Their governors know much better than they how to manage their affairs, and all this ends in the misery and ignorance and slavery of the many, and the corruption, bloated insolence, and unbridled power of the few.—The Constitution of the United States is an anomaly; the friends of England affect to assimilate it to the British form of Government. It certainly a little more resembles that Government than the Government of Turkey; but it is totally different. My mind can imagine no two things more opposite than an elective and an hereditary Government; they are indeed antipodes. If our Constitution then is novel and singular, so let our Administration be. Let us not servilely copy from Europe the course of policy which we ought to pursue; and especially as all other nations have been ruined by regulation let us not split on that rock. Let us make the experiment of leaving a people to themselves, and as we do not now allow individuals to interfere with each other in the exercise of their rights, so let us as a Government lay the same restraint upon ourselves; rely upon it things will go on as well. There is at least as much wisdom out of all Governments as in them.

Mr. R. said, that he had objected to this bill because it was too general; he wished to understand it more specifically; he wished the gentleman from South Carolina to descend a little into detail. His own mind was one of that sort described by the gentleman, which could not with ease embrace or would not admit grand and magnificent views without something like explanation and examination. He was unreasonable enough to wish to know some such facts as these: where and when and by whom were these roads and canals to be made; who was to have the care and management of them? Was the General Government to interfere in this sort of mere police? He thought it belonged more properly to individuals or to the States.

He did not wish to be understood as being adverse to internal improvements; far from it. I hope, said Mr. R., I am not so dull as not to appreciate their value, or to approve the views generally of the gentleman from South Carolina. I differ with him in regard to their relative importance; I prefer improving the minds of the citizens of the country; the gentleman would rather improve the country itself. Although, too, I admire the brilliant picture which the gentleman has presented to us in his discourse, it does not follow that I should support his bill, which seems to me not very intimately connected with it or calculated to effect any purpose whatever. Good roads and canals are of undisputed importance. I agree in all the advantages which have been attributed to them; there is indeed but one opinion in this regard. Are there no other public works of equal consequence? What will be objected to establishing schools, clearing out and embanking rivers, deepening harbors, draining marshes; why appropriate exclusively for the objects embraced by this bill? The question now is, by what power are these and other improvements of a similar kind to be effected? Gentlemen contend that they belong to the General Government. I am inclined to the opinion that they had better be left to the regulation of the States. They are in their nature internal; they are minute and involved in detail; they require a close and ready supervision; they are of the nature of police; they require, in fact, the agency of officers and laws which are to be found only in the institutions of the individual States. The General Government, from its nature, from the force of the term, should engage in business of a general description; should provide for the general welfare; should make peace and war. I will not recapitulate the broadly extended powers which it possesses, and to which it should confine itself. A clear line of demarcation ought to be drawn between the United States and State governments. Interference ought to be avoided. Let the one attend to internal improvement, the other to the great concern of this nation in regard to foreign nations—in relation to the sovereign States which form this Confederacy, and their

clear general powers of an external character, and their acknowledged specified powers of an internal nature.

Before we pass, then, finally on this proposition, it is necessary to be assured that it involves no violation of the Constitution. I cannot agree in the loose manner of construing that instrument, which has been recommended and adopted by my friend from South Carolina. He will not consider it as a thesis to be too strictly examined. I care not what it is called; it is the charter of the rights of this Government; it is its grant of power. I will not approach it irreverently, or pass by it slightingly. Without, however, expressing any opinion on its bearing on the present question, I prefer a plan which it is my purpose to propose by way of amendment, that will at least obviate this difficulty. If the United States have money to spare, let it be distributed among the States to be applied to works of internal improvement. The States are better judges of their wants and interests; they know best whether they most require roads or canals, or schools, or dykes, or embankments. They can more conveniently, too, give that attention which objects of this nature demand. They can more successfully provide against profuse and wasteful expenditure. This plan, too, possesses other advantages. It will prevent the disgraceful scene which will be exhibited in this House, when we shall be called upon to designate the position and course of the contemplated roads and canals, when all our local feelings will be up in arms, and, under a pretence of general benefit, we shall have in view exclusively the interests of the State or district which we represent. There are already, necessarily, causes enough of this unpleasant and dangerous hostility. We had better diminish than add to their number. But, above all, it is free from Constitutional objection, and leaves with the independent and sovereign members of this Confederation the care of internal improvements, peculiarly their province, unless indeed we are to have in practice what is anxiously wished by many—one grand, magnificent, consolidated empire.

Mr. R. could not readily realize the magnitude of the present plan—a road from Maine to Louisiana. England, about as large as one of our eighteen States, with a dense population, had some hundred miles of turnpike road. France, with comparatively narrow limits, and 25,000,000 of inhabitants, had also hers; and we, with a sparse population, scattered over a boundless extent of country, were all at once far to outstrip either, with our artificial road of 3,000 miles; because, too, they had no rivers, and found canals of great utility, we, with the fine and innumerable rivers, furnishing convenient and natural navigation, were also to have our canals.

Mr. R. would repeat again his objection to too much intermeddling on the part of the General Government; he could trace all the evils of nations to this spirit. He believed they were unhappy and wretched in proportion to the degree of management on the part of Government. To what did we owe our prosperity? He would tell gentlemen to what we did not owe it: We did not owe it to legislation; we owed it to circumstances independent of laws; we owed it to our Constitution, to our soil and climate, to our increasing population, to our exemption from the paternal care of Government.

Mr. R. believed that internal improvements had better be left to the States; that the subjects would be better selected by them and better attended to. He concluded his remarks by offering an amendment, directing that the fund should be distributed among the several States according to their representation, to be applied by them to such objects of improvement as they might think proper.

The amendment not however being in order pending Mr. ROOT'S motion, was suspended for the present.

Mr. ROOT'S motion to limit the application of the funds to *canals* alone having been negatived, the question recurred on Mr. ROBERTSON'S motion to amend the bill, so as to apportion the fund among the several States, according to their representation in Congress, to be by them applied to such objects of improvement as they might think proper.

Mr. CLAY (Speaker) observed, that it was not his intention to enter into the general discussion of the subject; he wished only to say that he had long thought that there were no two subjects which would engage the attention of the National Legislature more worthy of its deliberate consideration, than those of internal improvements and domestic manufactures. He rose, however, principally to express his thanks to the honorable member from South Carolina (Mr. CALHOUN) for bringing this bill before Congress, and for the able and luminous view which he had submitted to the Committee, of the importance and utility of internal improvements, and to oppose the amendment proposed by the gentleman from Louisiana. He conceived the first and only step necessary to be taken at the present session, was to set apart and make an inviolable pledge of the fund. If we attempt anything beyond this; if we touch the details; if we go into a specification of the objects on which the fund is to be expended, the inevitable effect will be, that we shall do nothing. Whether it was better to establish a board for the appropriation of the fund, or to distribute it among the several States, and what were the national objects which demand its application, were posterior questions, which ought to be discussed and decided hereafter.

Mr. C. said that, as to the Constitutional point which had been made, he had not a doubt on his mind; but it was not necessary, in his judgment, to embarrass the passage of the bill with the argument of that point at this time. It was a sufficient answer, to say that the power was not now to be exercised. It was proposed merely to designate the fund, and, from time to time, as the proceeds of it came in, to invest them in the funded debt of the United States. It would thus be accumulating; and Congress could, at some future day, examine into

the constitutionality of the question; and, if it has the power, it would exercise it; if it has not, the Constitution, there could be very little doubt, would be so amended as to confer it. It was quite obvious, however, that Congress might so direct the application of the fund, as not to interfere with the jurisdiction of the several States, and thus avoid the difficulty which had been started. It might distribute it among those objects of private enterprise which called for national patronage, in the form of subscriptions to the capital stock of incorporated companies, such as that of the Delaware and Chesapeake canal, and other similar institutions. Perhaps that might be the best way to employ the fund; but he repeated, that this was not the time to go into that inquiry.

With regard to the general importance of the proposition—the effect of internal improvements in cementing the Union—in facilitating internal trade—in augmenting the wealth and the population of the country, he would not consume the time of the Committee in discussing those interesting topics, after the able manner in which they had been treated by his friend from South Carolina. In reply to those who thought that internal improvements had better be left to the several States, he would ask, he would put it to the candor of every one, if there were not various objects in which many States were interested, and which, requiring therefore their joint co-operation, would, if not taken up by the General Government, be neglected, either for the want of resources, or from the difficulty of regulating their respective contributions? Such was the case with the improvement of the navigation of the Ohio at the rapids; the canal, from the Hudson to the Lakes; the great turnpike road, parallel with the coast, from Maine to Louisiana. These, and similar objects, were stamped with a national character; and they required the wisdom and the resources of the nation to accomplish them. No particular State felt an individual interest sufficient to execute improvements of such magnitude. They must be patronized, efficaciously patronized, by the General Government, or they never would be accomplished.

The practical effect of turnpike roads in correcting the evil, if it be one, of the great expansion of our Republic, and in conquering space itself, as was expressed by the gentleman from South Carolina, is about to be demonstrated by the great turnpike road from Cumberland to Wheeling. That road is partially executed, and will probably be completed in about three years. In the meantime, Maryland is extending a line of turnpike roads from Baltimore to Cumberland, which is also partially finished, and will be completed in the same period. Three years from the present time, we shall have a continued line of turnpike roads from Baltimore to Ohio. The ordinary time requisite to travel from Wheeling to Baltimore, prior to the erection of these roads, was eight days. When the roads are completed, the same journey may be performed in three days. The distance, in effect, between those two points, will be diminished in the proportion of five-eighths, or, in other words, they will be brought five days nearer to each other. Similar results will follow wherever this species of improvement is effected. My friend from Louisiana says, his State wants no roads. Does she want no levees? But Mr. C. conceived that no State was more interested in the making of good roads. The most vulnerable to a foreign enemy of all the points of our country, Louisiana is, at the same time, the most dependent upon the other parts of the Union for the means of her defence. Is she not, therefore, deeply interested in multiplying the channels by which those means may be transported to her? If two great roads, the one following the valley of the Ohio, and that of the Mississippi; and the other, the maritime coast, shall terminate at New Orleans, will not the security of Louisiana be greatly increased?

Mr. C. owned that he felt anxiously desirous for the success of this measure. He was anxious, from its intrinsic merits, from his sincere conviction of its tendency greatly to promote the welfare of our common country. He was anxious, from other, perhaps more selfish, considerations. He wished the Fourteenth Congress to have the merit of laying the foundations of this great work. He wished this Congress, who, in his opinion, had so many other just grounds for the national approbation, notwithstanding the obloquy which had attended a single unfortunate measure, to add this new claim to the public gratitude. He even anticipated pleasure from the reflection, distant as it might be, that the traveller, as he comfortably prosecutes his journey on some road, or glides down on some canal, erected in virtue of this bill, will say, I owe this facility, this convenience, to the providence and sagacity of the Fourteenth Congress. But, Mr. C. said, he must repress his feelings on this subject. He had risen to oppose the amendment. Let us leave details to our successors. We cannot accomplish everything at once. Like the objects of the bill, our measures must be necessarily progressive. Everything is hazarded by encumbering the bill with too much detail. Indeed, he doubted whether we had a sufficient stock of local information yet collected, to guide our judgments in designating the various objects of internal improvement which may require the fostering care of the General Government. Let us provide the ways and means. Let our successors judiciously apply them. He would vote against the amendment.

Mr. TELFAIR moved to amend Mr. ROBERTSON'S amendment, by vesting in Congress the power of designating the objects of improvement, to be executed by the States, and offered a few remarks in support of his motion. He would retain in the hands of the General Government, all objects of a general nature—such, for instance, as the road from Maine to Georgia, which the States individually could not carry into effect. Such great and general objects he thought ought to be directed, and the appropriations made by the General Government, but their execution should be left to the States, who would be better able

for many reasons to carry the objects into effect. He approved the amendment because it deprived the General Government of a mass of patronage in the appointment of a great many persons to superintend the various works. Besides, suppose, said Mr. T. you pass a law directing a road to be run in a certain direction, can you undertake to cut up a man's land which might be in the way? This privilege was constantly exercised by the States, and could be done by them, but it was very questionable whether it could be by the General Government. The amendment would relieve the bill from this objection, as well as make it more acceptable in other respects.

Mr. YATES, of New York, observed that he did not rise with any intention to discuss the general merits of the bill, or the policy of the measure. The objections urged by the Speaker and the gentleman from South Carolina, (Mr. CALHOUN) who introduced this bill, to the amendments offered, were not in his opinion well founded—on the contrary, he had very little doubt, that, if adopted, they would rather aid the passage of the law, than retard it. Possibly he might have voted in favor of the law as it was reported, but was rather inclined against it; and was gratified when he heard the amendment proposed by the gentleman from Louisiana, and still more so with the additional one subsequently offered by the member from Georgia—the only objectionable features in the bill were in his view removed by them. It had been made a question, whether we have a Constitutional right to make this disposition of public money; he regarded this right as evidently vested in Congress; at least such was his conviction, and, whether the power be classed under the right to provide for the national defence and general welfare, and to levy taxes and impose duties for that purpose, the power to regulate commerce with foreign nations, and among the several States, or to establish post offices and post roads, is not material; if all or either give the power, it is sufficient. If under the power to regulate commerce with foreign nations, the right to construct piers and erect light-houses be given by necessary implication as acknowledged, why does it not as necessarily follow, that, under the right to regulate commerce among the several States, the power to make appropriations for the construction of canals and roads, to facilitate the intercourse between the States, is also given; he had no doubt on that subject. The individual States had the power of municipal regulations, but all commercial arrangements between the States, fell within the powers of the General Government, and if it become necessary, in the exercise of those powers, to expend money for the removing of obstacles to an easy intercourse, he could find nothing to prohibit it.

With regard to the amendments, he thought them necessary; because, by the bill, the amount to be given to each State was uncertain; it was indefinite, and would induce exertions on the part of each to obtain more than its proportion. This might possibly, instead of producing a beneficial result, have an injurious tendency. The amendment proposes a distribution proportioned to the representation. This is the only just and definite mode. The other amendment will be a check on the abuse of this privilege. Congress, retaining the power of designating, will always prevent the expenditure of the money for purposes which are not of sufficient national importance. The States will not have it in their power to expend the money on objects of inferior consideration—for his part he intended to vote for both the amendments, and if they were adopted, was persuaded they would conciliate many who were hostile to the bill.

The question was taken on Mr. TELFAIR'S motion, and carried; and then on Mr. ROBERTSON'S amendment as modified, and also carried.

Mr. WRIGHT'S motion to strike out the first section, was decided in the negative—ayes 61, noes 70. The Committee then rose and reported the bill to the House; and the House adjourned.

WEDNESDAY, February 5.

Mr. STEARNS presented a petition of the Society for propagating the Gospel among the Indians in North America, praying the General Government to adopt some measures for establishing and supporting schools for instructing Indian children and youth in the arts of reading and writing; which was ordered to a select committee; and Mr. STEARNS, Mr. WILLIAMS, Mr. REYNOLDS, Mr. LYON, and Mr. WOODWARD, were appointed the committee.

Ordered, That the Committee on the Judiciary be discharged from a further consideration of the petition of sundry inhabitants of Pennsylvania, relative to patents, and that the said petition lie on the table.

Mr. JOHNSON, from the Committee on Military Affairs, who were instructed, by a resolution of the 8th ultimo, to inquire into the expediency of allowing to certain non-commissioned officers and soldiers in the late war, who served to the end thereof, but did not obtain their regular discharge, or who died, or were killed, their balance of pay and the bounty in lands, made a report; which was read and ordered to lie on the table.

A message from the Senate, informed the House that the Senate have passed bills of the following titles, to wit:

An act in addition to an act, for the relief of George T. Ross and Daniel T. Patterson, and the officers and men lately under their command.

An act to repeal the second section of an act, concerning the pay of the officers, seamen, and marines in the Navy of the United States.

An act making appropriations for the payment of certain claims for militia services to the State of Georgia.

An act to appoint additional pension agents.

An act to amend and explain an act, given pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States.

An act for the relief of the widow and children of Arnold Henry Dohrman, deceased; and,

An act granting a pension to Commodore Richard Taylor, in which several bills they ask the concurrence of this House.

Mr. WILLIAMS, from the committee to whom was referred the bill from the Senate, entitled, "an act making an appropriation, to enable the President of the Uited States to hold treaties with the Indian tribes for the purpose therein mentioned;" reported the same without amendment, and the bill was committed to a Committee of the Whole.

INTERNAL IMPROVEMENT.

The House took up the report of the Committee of the Whole, on the bill to set apart and pledge the bonus and United States dividends of the National Bank, as a fund for internal improvements.

Mr. PICKERING rose to offer an amendment to the amendments made by the Committee; when

Mr. KING intimated that he also wished to propose some amendments to the bill, and moved that it be laid for the present on the table.

The motion prevailed, and the bill was laid on the table accordingly.

MILITARY ESTABLISHMENT.

The House then, on motion of Mr. JOHNSON, of Kentucky, went into Committee of the Whole, on sundry bills connected with the Military Establishment.

The first taken up by the Committee, was a bill concerning the invalids of the Revolutionary War, and of the widows and children of the militia, and of the soldiers of the Army during the late war. [Placing pensioners of the Revolutionary War and of the Indian war, previous to the Treaty of Greenville, on the same footing—and for allowing five years' half pay to the widows or orphans of any officer or soldier of the militia, rangers, sea fencibles, and twelve and fifteen months volunteers, who shall have died within three months after returning home, of any disease contracted while in the military service, &c.]

The Committee were occupied more than two hours in discussing various propositions to amend this bill, some of which were adopted; and having gone through the bill,

The Committee proceeded to the consideration of the bill making further provision for military services during the late war.

This bill having been also gone through and variously amended,

The Committee, on motion of Mr. JOHNSON, took up the bill for the establishment of a National Armory, [adjacent to the river Ohio or its branches, and appropriating $60,000 for the object.]

Mr. CANNON moved to add after "Ohio" the river Tennessee, and suggested several points on the waters of the Tennessee, well adapted to the erection of water-works for the establishment.

Mr. JACKSON opposed the amendment as unnecessary, because the Tennessee being a branch of the Ohio, of course would be taken into consideration by the President in fixing the site, as well as the Monongahela, the Muskingum, the Cumberland, &c.

The motion was negatived without a division.

Mr. PICKENS moved to insert after the word Ohio, the river Catawba, as affording good sites, abundance of iron, and every advantage for the establishment of a manufactory of arms.

After a few remarks by Mr. JOHNSON, adverse to the amendment, the motion was negatived; and the bill being read through without amendment,

The Committee took up the bill to repeal so much of the act of July, 1812, as authorizes additional pay and emoluments to brevet officers, and to allow additional rations to commanding officers of separate posts only in cases in which the officer shall be of or under the rank of colonel.

Mr. HARRISON warmly opposed the bill, and, to destroy it, moved that the first section be stricken out.

Mr. LOWNDES supported the expediency of the provision contemplated by the bill, as necessary to remove any ambiguity heretofore existing in construing the laws on the subject, and to ascertain the emoluments; not to reduce improperly those justly due.

Mr. CLAY likewise supported the bill, because, as there were officers enough to perform the military duties referred to, it was unnecessary to assign those duties to brevet officers—that he saw with pleasure the report of the bill by the Committee of Ways and Means, as it would effect a salutary reduction of the expenses of the Government in the Military Department, and though fully impressed with the services and merits of the officers of the Army, yet he hoped to see every practicable reduction, every proper retrenchment of the heavy expenses now incurred annually for the Military Establishment.

Mr. WRIGHT, and Mr. JOHNSON, of Kentucky, likewise advocated the bill—believing that brevet rank was intended only as an honorary reward for gallant services, and that it was not contemplated by the existing statutes to connect with or extend it to additional pecuniary rewards.

Mr. HARRISON again opposed the bill, contending that the pay now received had been well earned by the gallant services rendered by our officers, and entered into some comparison to show that our officers, the higher ones particularly, were even worse paid and fewer in proportion, to the number of men, than those of any other civilized country.

Mr. CLAY spoke warmly in reply; maintaining that the country had in every way evinced its gratitude to the heroes of the Army and Navy for their great services, and that it was not proper to open the coffers of the Treasury to heap further pecuniary rewards on those who had already received so large though merited a share of public rewards.

Much further discussion followed; after which the motion to strike out the first section was negatived; and the Committee rose, reported its

proceedings to the House, and the House adjourned.

THURSDAY, February 6.

Mr. ARCHER, from the Committee on Naval Expenditures, reported a bill, supplementary to an act entitled "An act concerning the Naval Establishment;" which was read twice, and ordered to be engrossed and read a third time to-morrow.

Mr. ROBERTSON, from the Committee on the Public Lands, reported a bill, to define and enlarge the boundaries of the land district of Edwardsville, in the Illinois Territory; which was read twice, and committed to the Committee of the Whole, on the bill to provide for the establishment of additional land offices in the Territory of Missouri.

Mr. R. also reported a bill, to authorize the sale of the northeast quarter of section No. 16, in township No. 4 North, range No. 1, West of the third principal meridian; which was read twice, and committed to the Committee of the Whole last mentioned.

After some introductory remarks, on the utility of the object he desired to have inquired into, Mr. SMITH, of Virginia, offered the following resolution, which was agreed to, viz:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of appointing commissioners to view and mark out a road, from the highest point of navigation on the James river to that of the Great Kanawha, and from thence to Point Pleasant, on the Ohio, in Virginia.

The following bills from the Senate, to wit: The bill providing for the division of certain quarter-sections in future sales of the public lands; the bill, in addition to the act, for the relief of George T. Ross and Daniel T. Patterson, and the officers and men lately under their command; the bill to repeal the second section of the act concerning the pay of officers, seamen, and marines, in the Navy of the United States; the bill making appropriations for the payment of certain claims for militia services to the State of Georgia; the bill to appoint additional pension agents; the bill to amend and explain an act, giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States; the bill for the relief of the widow and children of Arnold H. Dohrman; and the bill granting a pension to Commodore Richard Taylor; were severally read the first and second time, and referred.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act directing the discharge of Lewis Olmstead from imprisonment;" in which they ask the concurrence of this House.

The Committee of the Whole was discharged from the further consideration of the bill authorizing the appointment of circuit judges, and for other purposes, and the bill was committed to the Committee on the Judiciary.

INTERNAL IMPROVEMENT.

The House then took up the amendments reported by the Committee of the Whole, to the bill to set apart and pledge, as a fund for internal improvement, the bonus and United States share of the dividends of the National Bank.

Mr. PICKERING stated some modifications of the amendments which he wished to propose, but, not now being in order, he reserved them for the present.

Mr. TAYLOR, of New York, proposed to define more precisely the mode of apportioning the fund among the different States, by inserting the words, "according to the House of Representatives in Congress."

Mr. PICKERING objected to the motion, as well as to the amendment of the Committee of the Whole, as leaving the objects of improvement still too vague and indefinite.

Mr. SMITH, of Maryland, opposed it, because the present representation might be reduced, but could not be increased, and that a State would now receive a modicum of the fund which might hereafter become almost nothing; and therefore he wished it should be apportioned according to the present representation, not be subject to the great changes which should hereafter take place in the relative representation of the States in Congress.

Mr. TAYLOR supported his motion; after which the motion was agreed to, and the question recurred on the amendment as amended: when

Mr. SMITH, of Maryland, moved so to amend the amendment, as to apportion the fund which shall accrue according to the present representation in Congress, which he supported on the ground that many States, New Hampshire, Connecticut, Maryland, &c., would never have an increase of members, whilst others would greatly increase; and if we are to be taxed, (and he viewed this as a tax for internal improvements,) he wished the States to enjoy the benefits according to the tax they are about to pay, as it was to be frittered away among the several States, to be wasted on little objects, instead of being applied to some great national object, &c.

The motion was opposed by Mr. CALHOUN, because the incorporation of such a principle would destroy the bill; the great principle of the Government being a community of interest, and established for the general benefit, the amendment would be highly improper, as well as prejudicial, to the great object in view.

Mr. HARDIN also opposed the motion, and argued against distributing the fund at all among the States; which, in time, when the representation of some of the new States should be doubled, would embarrass, if not entirely defeat the execution of the object.

The motion was also opposed briefly by Mr. HARRISON, and Mr. KILBOURN, and at some length by Mr. SHARP; the latter gentleman arguing that the fund was not a temporary but a permanent one, and formed a part of the common property of the nation; that it was the same as the proceeds of the direct tax, or sales of the public lands,

which, though drawn from the western country, was still common revenue, and could no more be appropriated by the rule proposed, than could the fund now under consideration, &c.; that the proposition was in fact one of inequality and injustice, as it looked to a change of wealth and population, and yet was to be distributed with an entire disregard of that change.

Mr. Smith replied, that this fund would be drawn from the people before the next census is taken; and of course, being contributed by the nation according to the present state of wealth and population, ought to be apportioned according to the rule by which it is derived, and not be subjected to changes, which, without affecting the contribution, would reduce the benefits to be derived by the States from this fund they now pay.

After much more discussion, in which Messrs. Hulbert, Gold, and Yates, took part—

Mr. Smith's motion was negatived by a large majority.

Mr. Stearns moved, that, instead of vesting in Congress the power of designating the objects of improvement, it should be given to the State Legislatures, under the approbation of the President.

This motion was opposed by Messrs. Sheffey, Pickering, and Grosvenor; when it was negatived without a division, and the question was taken on agreeing to the amendment of the Committee of the Whole, as amended, and carried—ayes 84.

Mr. Pickering then moved to strike out all the first section of the bill, after the enacting clause, and to insert the following, as the first and second sections thereof:

That the bonus secured to the United States by the act to incorporate the subscribers to the Bank of the United States, and the dividends which shall arise from their shares in its capital stock, during the present term of twenty years, for which the proprietors thereof have been incorporated, be, and the same are hereby, set apart and pledged as a fund for constructing roads and canals, *and improving the navigation of water-courses*, in order to facilitate, promote, and give security to internal commerce among the several States, and to render more easy and less expensive the means and provisions necessary for their common defence.

Sec. 2. *And be it further enacted*, That the moneys constituting the said fund shall from time to time be applied in constructing, or to aid in constructing such roads or canals, *or improving the navigation of such water-courses, or both*, in each State, as Congress, *with the assent of such State*, shall by law direct, and in the manner most conducive to the general welfare; and the proportion of the said moneys to be expended on the objects aforesaid, in each State, shall be in the ratio of its representation, at the time of its expenditure, in the most numerous branch of the National Legislature.

Mr. Ingham, in remarking on the objection to the words *internal improvement*, as too indefinite, and the proposition to confine the application of the fund to making roads and canals expressly, suggested, what he thought a middle ground, as he believed it would be found sometimes, and in some places, more advantageous to improve the beds of rivers than either of the above objects, and moved to include that object in the designation to be given in the amendment proposed by Mr. Pickering.

Mr. Robertson was adverse to this proposition, as it would confine the application of the fund to certain objects, when there were yet other objects of internal improvement equally deserving the attention and aid of the Government, and equally important; which opinion he argued to establish.

Mr. Pickering supported his motion, and argued at length against giving the expenditure of the fund to the several States, as the general welfare was the peculiar province of the General Government, and was the very pole star of its objects and intentions; and, touching on the Constitutional objections, thought it very probable that, under the general power to regulate and facilitate commerce, that Congress had the power to apply this fund to the making of roads and canals, &c.

Mr. Pitkin disputed the power of Congress to apply the public funds to such objects, or even to incorporate a company to make a canal; that if this principle were adopted, Congress might assume any power, and argued to establish this opinion, and the belief that the power of Congress extended only to the objects expressly given in the Constitution, &c. As to the expediency of the scheme, he would prefer aiding companies, or individual enterprise, instead of taking these objects entirely in the hands of the Government, &c.

Mr. Pickering, after briefly replying to Mr. Pitkin, modified his amendment, so as to embrace the motion of Mr. Ingham, to add "the improvement of any water-course."

Mr. Calhoun, though extremely anxious to accommodate the bill to the views of others, so as to receive as much support as possible, yet felt himself obliged to object to the modification just made, and moved to restore Mr. Pickering's motion to the shape in which he first moved it. Mr. C. moved to amend the amendment, by striking out the words "with the assent of such State."

Mr. King, of Massachusetts, moved to postpone the bill indefinitely. From the great number of amendments already proposed, said he, and from the extreme difficulty of agreeing upon its provisions, or even the principles thereof, I think it my duty to move the indefinite postponement of the subject. This I do as well to save time as because I am opposed to the measure as inexpedient and unnecessary. I must call off the attention and bring down the imaginations of honorable gentlemen from the great and splendid objects of internal improvement, which they have been contemplating, to the present situation of our country and of the American people. Look at your statute books—see there the many taxes, direct and indirect, now paid by the citizens of this country—and ask yourselves whether it be proper to make the appropriation proposed by this bill, and yet continue these burdens. You are the Representatives of the people. Ask yourselves, further, whether the people whom you represent, were

they acting on this subject, would make this extravagant application of their own funds. Your internal taxes ought first to be repealed, and the present high duties on imports greatly reduced. Besides the burdens imposed upon them by the Government, the people of this country are at this moment suffering under the frowns of Divine Providence in relation to the season of the last year, whereby they were deprived of their usual provision for man and beast. And what is the conduct of the Governor General of a neighboring province at this time of calamity and distress? I allude to the Governor General of Canada, in his last communication to the Provincial Parliament. His whole attention appears engrossed by the distressed situation of the people under his command, and by the means to relieve them. This conduct forcibly recalls to my recollection the words of one of his own distinguished writers: "Industry (says he) is the source of our country's 'wishes, and English policy would teach opu-'lence to dry the peasant's tear, if English justice 'and generosity did not continually prevent its 'flowing." But I need not appeal to the examples of other Governments for acts of justice and generosity, but to the hearts and understanding of an American Congress. What I mention of the burdens and distress of the people is by no means imaginary—would to God it were—by no means exaggerated. I hold in my hand, sir, certified lists of the taxes paid in the town wherein I reside, (in Maine,) and in two other towns near thereto, to the State, county, and town there, and to the United States. To the former, the town first mentioned, in an average of five years, pays $6,980 a year; to the latter, for 1814, including the direct tax, $2,246; and for 1815, $1,223. The whole population at the last enumeration 2,492, taxable polls 520—being between three and four dollars for every man, woman, and child, or between seventeen and eighteen dollars for each taxable inhabitant, if applied to the polls—obliging men in the middle classes of life to pay, some forty, some eighty, and others one hundred dollars, per annum. The results in the other towns nearly the same. Portland, which has suffered severely by the depression of commerce and navigation, with a population of 7,100, paid on an average of five years ending with 1816 by State, county, and town taxes, $15,125; and to the United States, in an average of two years, (1814 and 1815,) $12,219 for internal taxes. Some of the letters to me conveying the above information contain most distressing accounts of the situation of many of the inhabitants. [Mr. K. here read extracts from several letters from his correspondents. One of them says: "I think our condition 'here wants much more improvement than in-'ternal roads and canals; for I know not how the 'people will possibly obtain bread this season. 'Indian corn is sold here at fifteen and sixteen shil-'lings per bushel, and scarce at that. It is said 'that a poor man here lately worked five days for 'cash enough to get one bushel of corn! His 'family is a wife and five or six children."] I only cite these instances as falling within my own observation, but the distress is general and great. How are a people thus circumstanced to pay the heavy dues to Government? Yet we see no bill introduced to repeal the internal taxes. Indeed, sir, if you lavish the public treasures as proposed by this and other bills, it is impossible that any of those laws should ever be repealed. We have lately heard on this floor something in favor of economy, retrenchment; but to what purpose retrench, if you are thus prodigal of the people's money? Besides, you have yet many claims upon your justice, and upon your humanity, to satisfy the numerous demands arising from the desolations of war, to stop the bleeding wounds of the soldier, and bind up the broken-hearted widow, and succor the fatherless orphan of your war. Nay, more, your military are insatiable in their demands—I mean such of them as prefer money to honor, and such there are, who would not hesitate to open your Treasury with the bayonet!

Mr. GOLD, of New York, observed, that the Constitution was interposed as an obstacle to the appropriation. When, he said, shall we have any principle settled and at rest in this Government? Is everything to be kept in fluctuation and uncertainty in all future time, and the fruits of experience, the benefit of example, of precedent, which is admitted in everything else, to find no place here?

It is now twenty-five years since this great Constitutional question was argued before the people of the United States. It was argued by the greatest of men, and decided under the most favorable auspices. It was decided shortly after the adoption of the Constitution, while the objects of the instrument and the views of its authors were well understood; and WASHINGTON yielded to the decision his deliberate sanction.

Most important measures of the Government have been adopted in conformity with this decision. It is time, I must think, to apply the principle of "*res judicata*," and put the question at rest. It may be truly said, that there has been as general an acquiescence of the community in the decision as could be expected in a case on which the great parties of the country divided in violent hostility. I may add, further, the case was *rightly decided*.

The express power delegated by the Constitution over commerce, applies equally, and in the same terms, to internal, to "commerce among the States," as to foreign commerce; and the authority of Congress is as plenary, as absolute, over one as the other; it is all the power which any sovereign integral government could or ought to exercise upon broad principles of legislation. This power is most essential. In war a superior naval force may lock up the coasting trade of the country; the effects of which can be obviated only by a chain of canals from bay to bay, along the line of the seaboard. Improved roads may contribute to the same purpose. Interior facilities of communication may be added to enliven industry, and mitigate the pressure of war.

From another specified power, to provide for the "common defence," this Constitutional ques-

tion derives great support. The rapid movement of troops from one point of attack to another, as well on the seaboard as the inland frontier, to meet the varying attacks of an enemy; the speedy transport of ordnance and heavy naval equipments, to points of assault and defence, will often become indispensable. The experience of the last war places the subject in the strongest light. The dangerous delays in the transportation of ordnance and naval equipments, will be remembered by all. Weeks, nay, I may say months, elapsed in the forwarding of ordnance, anchors, &c., from the seaboard to the northern frontier of New York. I am not certain that the anchor of the last great ship, built at Sackett's Harbor, has yet reached that place. A military road, as well as a canal, is highly necessary between the Hudson and the Lakes; and this for the defence of the country.

On general principles, as applicable to the territory of the United States; a territory extending from the frozen region of the north to the climate of the sugar cane and the vine; from the Atlantic to the setting sun in the west, it is impossible not to see the fairest theatre for internal commerce, that was ever presented to any government, ancient or modern. To overlook these advantages—to stay the hand of improvement, is to do the greatest injustice to the community; is to be wanting in the highest duty of legislation. What, sir, have we recently seen? The British Government, relying on supplies to be drawn from the northern parts of the United States, through the provinces of the Canadas and New Brunswick, united with the scanty products of those provinces, for her West India islands, has interdicted all trade, in American ships, between our Atlantic ports and those islands. If those supplies from the States to Montreal, are not prevented by canal improvements between the great Lakes and the Hudson, affording facilities to a market in the States, the present policy of Great Britain will prove successful, and a deep and lasting wound be inflicted on our commerce, and the nursery of our seamen.

It was about the close of the last war that a volume was published by a Mr. Anderson, addressed to the British Government, on behalf of the provinces of the Canadas and New Brunswick. The great object was, to show that those provinces, aided by supplies to be drawn from the adjoining States of the Union, could satisfy the wants of the British West Indies.

The writer urges at great length the benefits of the intercourse between those provinces and the States; the supplies to be drawn from the latter; and, more than all, the means of smuggling British manufactures into the States all along a line of eleven hundred miles from the northeast to the northwest point of our territory. He insists that this illicit trade may bid defiance to the inspection laws of the United States. The experiment is now in course of trial by the British Government, whether she may not wholly exclude our shipping from her West India islands. Our own citizens are, in their export to Canada, daily giving strength to this policy, and it is impossible for the Government of this country to shut their eyes against the consequences. Commercial connexions are forming, and the trade has already swelled to an amount beyond what will be easily credited.

It is not to be dissembled, that the State of New York has a great object in opening the commercial intercourse between the Lakes and the Hudson river, in order to turn the trade from Montreal to New York. Has not this State, let me ask, a claim on the National Government to aid her in commercial improvements? New York, in the national compact, relinquished to the Union the richest harvest of impost ever gathered into the Treasury; an impost which she might have retained to herself, and with which she might have carried improvements in canals and roads, to every commanding point of her extended territory. The port of New York yields to the Government nearly one-third of the commercial revenue of the Union, and the product of the last year only would transcend the entire cost of the great canal from Lake Erie to the Hudson. The equity of this claim is confidently addressed to the Government; it is hoped the appeal will not be made in vain.

It has been, Mr. Speaker, the singular lot of great national enterprises, and especially of canals, to be resisted by prejudice, by narrow calculations and short-sighted views, but in the end success has been signal and the triumph complete. While the effects have swelled the tide of national prosperity, the authors have received a rich reward for their toils and perseverance. The honorable member from South Carolina, (Mr. CALHOUN,) who so zealously brought the subject, now under consideration, before Congress, and has so ably vindicated it, well merits, in my humble opinion, the thanks of his country. It is the commencement of a system of improvement which cannot fail to confer the greatest and most lasting benefits on the community. The subject of the patriot's fears, the vulnerable point of the body politic, is the imperfect union of the States. Now, sir, what can better promote and secure this great object of national solicitude than the measure under consideration? It is, sir, by improved roads and canals that commercial intercourse, in this widely extended empire, is promoted, and the citizens of remote parts brought into correspondence and acquaintance with each other; it is by such means alone that the North and the South, the East and the West, can be cemented and preserved in a lasting bond of union.

Mr. SMITH, of Maryland, said he had ever been in favor of internal improvements, and he had carried theory into practice as far as his humble abilities and private means enabled him to do. There were few public improvements, he said, in the district he represented, that had not had his aid. As a member of Congress, he had given his vote and his aid to every improvement of the country that had in view a national object. But, sir, said Mr. S., I never had conceived it my duty to vote for the appropriation of large sums of

money to be frittered away and applied to objects of trifling importance. Such, I conceive, will be the application of the fund contemplated by the bill now under consideration.

The bill, as originally reported, said Mr. S., created a fund of six hundred and fifty thousand dollars per annum, or pledged the interest of eleven millions, in perpetuity, for internal improvements, to be applied as Congress might hereafter direct, and the gentleman (Mr. CALHOUN) stated some of the objects to which the fund would, he presumed, be applied. Sir, had the bill retained that shape, the fund might have been applied to great national objects. I will mention some of them. The first in consequence, in my estimation, is, to connect the water of Lake Erie, by a canal, with the Hudson. The importance of such a work must present itself to every well-informed mind. Unless such a canal be made, the produce of the Lakes and of the rich lands of New York, bordering on the St. Lawrence and Lake Ontario, must find a market at Montreal, and the advantages, of course, of a great proportion of our country, must go to Great Britain and her colonies. A canal from Lake Erie would draw the greater portion of the products to New York. No sum, Mr. Speaker, could be too great to effect an object so grand, so splendid. This bill will afford a trifle only towards it. Another great object would be to construct canal locks around the falls of the Ohio, by which a certain navigation would be secured to ships and vessels descending that river, to the great advantage of Pennsylvania, Virginia, and the Western States. There are other great national objects, said Mr. S., which are familiar to all, and which might have been perfected if the bill had remained as originally reported, but which will be paralyzed by the bill on the table. Let us take a view of it.

The bill, as amended, appropriates a capital of near eleven millions, or $650,000 per annum, to be divided among the States annually, in proportion to the number of their Representatives in the House of Representatives, and the proportion of each to be applied within the respective States in such manner as Congress may hereafter direct. This, said Mr. S., appears at first view plausible and fair; what, however, will be its operation? New Hampshire, Rhode Island, Connecticut, New Jersey, Maryland, Delaware, and South Carolina, never can have any increase of members on this floor: they will increase in numbers, but such will be the superior increase in other States, that I must consider those States stationary as to representation in Congress. Thus, while other States will, at every census, increase their proportion of the fund, the proportion to those States will decrease. Maryland will draw for four years from the fund, a proportion as 9 to 183—or $31,968 each year. In 1820 a new census will be taken, after which her proportion will probably fall, by the great increase of New York and the Western States, to $25,000; I fear to a less amount; and in ten years more, to perhaps $15,000. The other stationary States which I have named will be similarly situated. Delaware will now divide $7,100 annually. This bill cuts her off effectually from every ray of hope of ever effecting her grand plan of connecting the bays of Chesapeake and Delaware. Pennsylvania will scarcely apply her proportion out of her own State; she will have projects enough within her own territory. I will mention one: a canal to connect the Susquehannah with the Schuylkill, which will divert her attention from the cut from one bay to the other. New Jersey has flattered herself with a canal from the Delaware to the Raritan. This bill, said Mr. S., is a death-blow to such hopes. That object is one of great national importance, and this bill grants New Jersey about $24,000 per annum for four years, and perhaps fifteen thousand dollars for ten years thereafter, to perfect a work that would be eminently useful to this nation, especially in war, and which cannot be executed for less than two millions of dollars.

Gentlemen may flatter themselves, said Mr. S., that the liberality of Congress will hereafter grant sums specifically for an object so highly important. Not so, Mr. Speaker; this bill will be the precedent that the Western and large States will cling to, and never hereafter will they apply a sum of money to an improvement in any State without requiring for themselves a sum in proportion to their numbers. By this bill the stationary States are making themselves completely tributary to those which may be the increasing States. The sum proposed for Maryland, as already stated, is nearly $32,000; not enough to make four miles of a good turnpike road. In how many parts is this pittance to be divided? How many will be the claimants? Baltimore will want it perhaps for two turnpike roads and three bridges over the Susquehannah, the Susquehannah Canal Company, and for the road to Washington. The Potomac Canal Company and the canal between the two bays will also have their claims. All of these are different interests; all will think they have equal claims; all will have their agents here soliciting the members. What a time we shall have! Sir, said Mr. S., you are about to throw the apple of discord into this House—one that will never decay. Instead of members attending to the public business hereafter, they will be constantly engaged in bargaining, trucking, buying, and selling; and he that can go into market with twenty-nine votes in his hand will make the best bargain. Sir, I look with disgust at the picture before my eyes that will result from this bill.

The gentleman (Mr. CALHOUN) has mentioned as his main object, a great turnpike road from Maine to Georgia. The gentleman, said Mr. S., knows little, if he believes that the money will be so applied. Many of the States have made their roads and bridges. That leading route brings no commerce in all its long line to the seaports. Does the gentleman, asked Mr. S., really believe that the members from Virginia will apply the proportion of that State to the road from Alexandria to Richmond? If he does he deceives himself. If they expend the amount on roads let him look West; there is the direction.

Not a dollar will be spent on Virginia in any other direction. Norfolk must be very adroit, if any part will be expended on the canal of the Dismal Swamp, a canal of great national importance, and which this bill will, I fear, effectually deprive of any important national aid.

Mr. Speaker, I frankly confess, that I would greatly prefer being silent on the subject of roads and canals during the present session. We have just emerged from an expensive war, the charges of which are not yet known. By the next session we shall have a more correct view of our finances. The view we now have is on estimates. Let us first pass the bill for establishing a sinking fund. Let us have time to know the operation of the new tariff of duties laid the last year. Let us know the amount of militia and other claims of the States, and the arrearages for army accounts. All these can be known by the next session, when, if we have the means, gentlemen will find me, said Mr. S., as liberal as any member of this House to promote objects of internal improvement, tending to great national purposes. Have we the means now to meet this bill? This is a question, continued he, which the gentleman ought to have asked himself before he brought in the bill. Nay, sir, it was incumbent on him to show that we could spare the amount. A sum such as $650,000 per annum will sink deep into our finances. Sir, said he, the great objects of Congress, I thought, on its meeting, was to establish the means to pay off the national debt, to lessen the public expenditures, and, if we had means to spare, to repeal such of the internal taxes as are obnoxious and unequal—such as the stamp act and the tax on licenses. These two taxes are unequal and unjust in their operation; the stamp tax falls on the necessitous, and is evaded in some cities; the retailer's license is paid by many poor people, who, perhaps, have not a capital of $500, some not $100. My opinion is, said Mr. S., that those taxes ought to be repealed before we apply so large a sum as $650,000 per annum to a new and untried object. If we pass this bill, we must keep on all the internal taxes, and reduce the sum which the Committee of Ways and Means have proposed for the payment of the national debt. Sir, I have said, that the gentleman ought to have shown the means of meeting this large appropriation. I made a motion in the Committee of Ways and Means to repeal the internal taxes; but, on examination, I found (on the data given by the Secretary of the Treasury) that it could not be done, unless the sum for the Sinking Fund should be lessened; I, therefore, consented to waive the subject until the next session. Gentlemen flatter themselves, that savings may be made in our expenditures. Some will be made; but not to an amount greater than will meet outstanding claims of States and individuals, not yet settled, and new plans of expending money, with which your table is now covered.

Mr. Speaker, I have examined the finances, with a view to the bill now under discussion. The data I have taken is the report of the Committee of Ways and Means on the Sinking Fund, bottomed on the report of the Secretary of the Treasury, in which it will be recollected the Secretary charges no interest on the capital of seven millions vested in the bank, because he presumed the dividend would meet the amount of that interest; he also gives credit for the bonus of $1,500,000 from the bank, in three annual payments, as it becomes due. The result of my examination is, as stated in the report of the Committee of Ways and Means, that there will be in the Treasury—

On the 1st day of January, 1818 - -		$3,650,000
Deduct one year's interest, payable on the $7,000,000 bank stock in 1817, at 5 per cent - - - - - - -		350,000
		3,300,000
Revenue of 1817, agreeably to the Secretary's report - - - - -		16,250,000
		19,550,000
Deduct therefrom—		
Permanent expenses of 1818, less four millions, to be advanced from the Sinking Fund of 1818, to purchase debt in 1817 - - -	18,500,000	
Interest on bank stock for 1818	356,000	
		18,850,000
Surplus - - - -		700,000
In the Treasury, 1st of January, 1819 -		700,000
Permanent revenue per Secretary's report		22,250,000
		22,950,000
Deduct therefrom—		
Permanent annual expense -	22,500,000	
Interest on bank stock - -	350,000	
Ditto on bonus, 500,000 paid in this year - - -	30,000	
		22,880,000
Surplus - -		70,000
Permanent revenue in 1820 -		22,250,000
		22,320,000
Permanent expenses for 1820	22,500,000	
Interest on bank stock - -	350,000	
Ditto on bonus, one million -	60,000	
	22,910,000	
Deficiency - -		590,000
		$22,910,000

It is, however, expected that the sales of land will give more than its usual amount in 1820, but not more, in my opinion, than will be met by new and increased expenditure. Under this view of our finances I cannot, at this time, said Mr. S., consent to any new plan of expending the public money. My great object is to pay off the national debt, which the plan proposed by the Committee of Ways and Means will do in twelve years, and if there shall appear to be a surplus when we next meet, let us first repeal the internal taxes; they were war taxes, which were

passed to continue a certain time, and no longer; you are pledged, in good faith to the people to repeal them, as soon as you have the means from other objects to meet the necessary expenses of Government. Be just; pay your promise to the people before you pledge such an amount forever as $650,000 per annum. If you pass the bill, the internal taxes either must remain upon the people, or you must lessen the sum proposed to extinguish the national debt. Sir, a gentleman from North Carolina, (Mr. DICKENS,) moved a resolution this morning to repeal the tax on salt. It failed. It happens very extraordinarily that the duty on salt amounts annually to $650,000, the precise sum that this bill appropriates for roads and canals; and I rather think it probable that the people in North Carolina would prefer a bill to repeal the duty of twenty cents per bushel on salt, to the bill for expending the whole amount received from that duty.

It has been said, continued Mr. S., that the great public road which connects the Ohio with the Atlantic States, has been highly beneficial to Maryland, and particularly to Baltimore. It is true; and permit me to boast a little on that subject. Sir, that great and important road was obtained by the constant and unremitted exertions of Governor Worthington, and Mr. MORROW, of Ohio, and my humble endeavors, against the wishes of the highest and deservedly the most popular character in the United States. If, Mr. Speaker, I had never done any other beneficial act to recommend myself to my constituents, that one action ought, and, I believe, would, give me their support and confidence. But, sir, at whose expense has that road been made? At the charge of the United States? No. You know, Mr. Speaker, that a compact was made between the United States and Ohio, when that State was received into the Union, by which the State of Ohio was bound to levy no tax on the public land nor on any land sold by the United States, for five years after such sale; the United States bound itself to pay to the State of Ohio, five per cent. of the proceeds of all land sold within that State, of which two per cent. was to be applied to the making a turnpike road from the river to the Atlantic waters. It is that fund *alone* which furnishes the means to make the road from Cumberland to the Ohio, and the fund is amply sufficient to complete it. The aid given by the United States is to advance money in anticipation of the fund. I believe that full one-third the advance has already been reimbursed. The Cumberland road has been made in part, and the residue is progressing, by the citizens of Maryland, at their own expense, to Cumberland, a distance, I believe, of 160 or 170 miles. There the United States have commenced. The road runs about twenty-five or thirty miles through Maryland, and then runs through Pennsylvania and Virginia to the Ohio.

In fine, I am for appropriating our funds, when we can act advisably on the subject, to the making such roads and canals as have for their object national advantages; not to be divided into small and insignificant sums, to be applied to objects within the power and means of the States individually.

Mr. SHEFFEY, of Virginia, said that he had intended, before the final question was taken on the bill before the House, to have given his opinion somewhat in detail on its merits; but the lateness of the hour, as well as the persuasion that the time of the House was precious, induced him to forbear going into the subject at large. He would confine himself to a few general principles, which he thought applicable to the question before the House.

The subject, said Mr. S., presents two propositions for our consideration: First—Does the Constitution authorize Congress to make provision by law to attain objects such as are contemplated by this bill? Secondly—If such power exists, is it expedient to exercise it now, and in the manner proposed? On the first question, though I accord in sentiment with the honorable gentleman from South Carolina (Mr. CALHOUN) that we have the power, yet I do not agree with him that we derive it from that clause in the Constitution to which he referred it; that which empowers Congress "to lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defence and general welfare." I do not view the latter sentence as containing a distinct substantive grant of power. It must be taken in connexion with the other provisions in the Constitution; and, in my opinion, ought to be understood in this sense—that Congress shall have power to levy money "to provide for the common defence and general welfare," so far as the common defence and general welfare is confided to them by this Constitution.

If we possess the power in question, it must be, as incidental to some one or more of the powers expressly delegated to us; as an instrument the more effectually to attain some or all of the great ends for which this Government was instituted. It is here where those who contend for the existence of this power, and those who deny it, separate. It has been said by some, and stated to-day by an honorable gentleman from Connecticut (Mr. PITKIN) as his opinion, that Congress could employ no means to carry into effect the delegated powers, but such as were absolutely necessary. [Mr. PITKIN here rose and said he had stated it not as his own, but the opinion of others, with which he disagreed.] Mr. SHEFFEY said he was glad to find he was mistaken. It was an opinion, however, seriously entertained, and often uttered on this floor. If such is really the fact, then this Government is without any power whatever. As in the physical and moral, so in the political world, there is scarcely an end which may not be attained by different means. If the objects confided to you can be effected only by such means as are absolutely necessary, how will you effect any? If, to execute the power "to lay and collect taxes," you direct that my land shall be sold for non-payment of a direct tax, I may say the law is unconstitutional, because it is not abso-

lutely necessary that you should sell my land: you might sell my house, or obtain the tax by any other means; all of them, perhaps, equally certain to attain the end, but none of them absolutely necessary. If to execute and provide proper sanctions to your laws, embracing subjects expressly delegated to Congress, you impose imprisonment on the delinquent, may he not say that you are guilty of usurpation; that the privation of his liberty is not absolutely necessary to execute your laws? In fact, sir, there is no imaginable case where this doctrine would not unnerve you, and render this Government, formed for great purposes, and ostensibly invested with great powers, utterly imbecile, and a subject of derision and contempt.

Those who formed this Government, acted like wise and practical statesmen. They designated the objects of your jurisdiction; the means which you should employ to secure those objects, they did not, because they could not prescribe. They left the selection of the instruments to those who should be appointed to use them. They invested you with all the means "necessary and proper" to carry into effect the delegated powers, and left you to determine what was "necessary and proper." Hence I contend that if the object itself is within your control, a measure which tends to promote or effectuate it is not limited by any Constitutional restriction, but is a matter of discretion, for the abuse of which we are responsible to our constituents, as in those cases where the power is unquestionable.

I had intended to have shown how the provisions of this bill tended to promote many of the objects which have been expressly confided to this Government. For the reasons already mentioned, I shall confine myself to one or two topics. The common defence, involving protection against domestic violence, and security from foreign invasion, are objects not only confided to us, but constitute high and commanding duties. To render defence against foreign invasion (which, in in its very nature, supposes the enemy to have the command on the ocean) effectual, is it not necessary that you should have all imaginable facilities in collecting and concentrating your forces; transporting subsistence, arms, and munitions; and maintaining the communication between different important and commanding positions? And how is this to be effected? There is but one answer: by means of roads and canals. Is this Government, then, to be dependent for these indispensable facilities on the authorities of the States, who may or may not provide them? The affirmative implies that the duty of defence has been imposed upon us; but the power and means to render it effectual, are left in other hands. For myself I cannot yield to a construction which would render this Constitution utterly destitute of wisdom. So far as this object is concerned, our powers, in my opinion, are ample; and this object alone would authorize us to establish a line of roads and canals along the whole of our maritime frontier; not to be delayed until imperious necessity demanded their use, for the purposes mentioned, but to be proceeded upon whenever it should be deemed expedient.

But there is another primary power delegated to Congress, in the execution of which the means provided by this bill are equally "necessary and proper," and admit of a more extensive scope. By the second clause of the enumerated legislative powers, Congress are authorized "to regulate commerce with foreign nations, and between the several States, and with the Indian tribes." What is the nature of the powers here vested? The regulations of commerce with foreign nations, and with the Indian tribes, have been universally considered as exclusive powers vested in the General Government. No State has pretended to interfere with either. To regulate commerce between the several States, in its nature must be exclusive. The conflicting legislation of the States would destroy the uniformity which this clause was intended to establish. Besides, two or more States could not regulate the commerce between them, but by compact, which they are expressly forbidden from entering into, without the consent of Congress.

If the power to regulate commerce between the States is entirely and exclusively transferred from the States, who formerly possessed it, to the United States, I think it fair to infer that Congress now possess all the power on this subject which all the States separately possessed when they consented to relinquish it; or in other words, that, with the power to regulate commerce between themselves, the States transferred all the means which they might have used in execution of that power, as incidental. Could the States, before they divested themselves of the power, in order to facilitate commerce and intercourse with one another, have cut canals and made roads? Could two or more of them have entered into compacts providing for such facilities? It seems to me too clear for denial. Unless, then, it can be shown that the United States received the primary power, and that the States retained the means which they possessed to examine it while in their hands, the inference is strong, if not irresistible, that the power and the means have been transferred to us.

It is said that the exercise of this power will conflict with the policy of the States, and interfere with their designs of internal improvement. This certainly is not an argument to prove our want of power. Wherever there is concurrent jurisdiction over the same subject, such interference may and will happen. Such concurrent jurisdiction does exist in many other cases. Should any conflict arise, the Constitution has established you as the supreme authority; to which not only the laws but the constitution of the States must yield. But the power for which I contend as belonging to this Government, if properly exercised, will rarely conflict with any State purpose. Their power is to regulate, facilitate and promote trade and intercourse between the several parts of the same State; ours is to effect like objects between the several members of the Union. The one purpose is local, confined to

the interest of each State; the other is general, embracing the interest of the whole.

It may be said that the States by providing facilities of intercourse, each between its several parts, thereby effect the objects which I assign to the United States. But is the commerce and communication between the several members (so important to strengthen the bond of union) to be left to the States, whose jealousies and desire of aggrandizement in many cases would lead them to obstruct it? It is notorious that the power to regulate commerce between the several States, as conferred on Congress, grew out of the measures which had been adopted by several States, tending to restrict and lessen the commercial intercourse between them and other States. The States will be partial to their own towns and ports, and they will give facilities to draw the trade of the interior to them, though its natural current (which they will obstruct by all possible means) would lead it elsewhere. This is the natural effort of the spirit of State aggrandizement and local jealousy. With us it cannot make the same progress, because we superintend the interest of the whole. There are some objects vitally interesting to several States, to the accomplishment of which private means and enterprise are perhaps not competent, and which it would be unjust to expect to be effected by the State who has the local jurisdiction; such, for instance, as the cutting a canal round the rapids of the Ohio. All the immense region above and below is equally interested in effecting this great object. Shall Kentucky or Indiana alone bear the burden, when many others are alike benefitted by the result? Can those States effect it whose territories are distant? Certainly not. Who, then, is to provide for this great object? The Government of the United States, who has under its exclusive control the commerce between the several States.

It remains to be considered whether, by a fair construction, the words "to regulate" commerce between the several States confer the power to afford it all reasonable facilities. I understand the word "regulate," as used in the present instance, to imply an entire control over the subject in all its relations. Such has been the uniform construction of this Government as administered by all parties. The same clause which gives to Congress the power to "regulate" commerce between the several States, gives the power to regulate commerce with foreign nations, and with the Indian tribes. Under the first of these powers, Congress, to give external commerce all possible facilities, have erected light-houses, piers, and beacons; they have established regulations for seamen in the merchant service; they have levied a capitation tax on these seamen, contrary to the rule of the Constitution, (as being a case not embraced by it,) to create a hospital fund for the sick and disabled. Congress, under this power, have suspended commerce entirely. Under the power to "regulate" commerce with the Indian tribes, trading houses have been erected and roads opened. Did any person ever object to these acts (the one suspending commerce excepted) as transcending the Constitutional powers of this Government? For myself I can say I never heard of any such objection. This detail contains a practical construction of the word "regulate," and furnishes, moreover, a complete answer to the idea often repeated on this floor, that we can employ only such means as directly tend to execute the delegated powers; that we dare not, without usurpation, depart one step out of a direct line in moving towards our object.

I cannot subscribe to a doctrine which we have heard from a respectable source in the course of this discussion, that the consent of the States is necessary to enable us to make roads and canals. If we have the power at all, it is the supreme power, which will execute itself, not only without such consent, but in opposition to the will of the States. The consent of the States certainly can give us no power where the Constitution has not vested it, otherwise it might happen that we might do in one State what we could not do in another. The idea that the consent of the States is necessary, arises from blending two distinct subjects. If the exclusive jurisdiction over the roads and canals when constructed, should be desired by the United States, the States must first relinquish their jurisdiction. But this has no connexion with the act of making the roads and canals. You build custom-houses without the consent of the States; but their territorial sovereignty over them is not lost; all crimes committed there are cognizable by the State authorities. So it would be in relation to roads and canals made by your authority.

On the second question, embraced by the measure before you, viz., the expediency, I shall be very concise. To me it appears obvious, that by creating facilities of mutual intercourse, you bring the different parts of this extensive country nearer together. The inhabitants of the different portions, by becoming better acquainted, will become better friends. Local ambition, jealousy, and animosity will be lessened; the Union will be strengthened, because national benefit will be added to national security, as an additional motive for us to remain one people. But the honorable gentleman from Maryland (Mr. SMITH) has given us a detail of our finances, from which he infers, that however useful and proper, in itself, this measure may be, our means do not authorize the undertaking at this time. I will not now enter into the question whether his inference is correct, though I incline to think that the honorable gentleman has given a picture of our resources too unfavorable. But I would rather retrench in other expenditures than permit this great object to be neglected. Reduce your army, introduce a system of rigid and well-regulated economy (not parsimony) into the administration of your finances, instead of the waste and disorder which now prevail, and your means for effecting the purpose contemplated by this bill will be ample. Indeed, so important is this subject to the country, in my opinion, that rather than see it fail, I would consent to borrow money

at eight per cent., or lay a tax on the country. The capacity of the people to pay taxes would be increased in proportion as the price of transportation of their products to market would be diminished—a result which must follow a well-organized and liberal system of internal improvement.

Mr. Yates, of New York, said, after what had been already said, he had not that excessive vanity, and he hoped he never would have, to suppose that he could with patience be heard by the House, in recurring to those objects of great national concern which had been so ably and powerfully presented. The advantage of free, easy, and unrestrained intercourse, its effect upon the national character, upon its wealth, resources and prosperity—upon mutual attachments, and attachment to the Government of the country, the facility of defence in time of war, and the propriety and necessity of using the resources of the nation for the purpose of accomplishing those desirable objects, were all of this description. Contrary therefore to his original intentions, he would confine the few observations he was about to make to the practicability of effecting some objects for which the appropriation was intended. To the one with which he was most acquainted, and which he believed was acknowledged to be of primary importance, he would particularly confine himself. The canal from Erie to the Hudson had been a subject of much conversation for many years—by some it was supposed chimerical, by others practicable; but at such an enormous expense, that it ought not, in the present state of our country, to be attempted. He believed neither supposition well founded. There was no country in the world, perhaps, where a canal of that extent could with so much ease be made. Portions of it could be finished, and the Government and country derive advantages from it, without its immediate continuation throughout the whole distance. The commencement of operations was not therefore liable to the same objections which might with justice be made to many other similar projects, namely, that it must be completed before it could be used, and an abandonment of it would be the loss of all the money and labor expended. A day or two previous he had provided himself with a map, with an intention to enter fully into the discussion; but the House was exhausted and impatient, and he would not venture to detain them. He referred however to the map, on which the route of the canal was nearly given—sufficiently accurate to show its general course. Although the late survey somewhat varied from the one laid down on the map, throwing it more south, it would be seen, that if the canal were continued from Rome, west, a distance of a little more than forty miles, it would intersect a number of streams, some of these sufficiently large for feeders, and at the termination it would reach the outlets of the Seneca and Cayuga Lakes. This would at once divert the trade of the country on the borders of those lakes and near them from its present course. The House could form an opinion, from the extent of country and its population, what that trade must probably be, including the intermediate country between Rome and these lakes; the greater proportion of the surplus produce of which can with more ease and less expense be sent to a Canada market than to New York. Oneida, Madison, Onondaga, Cayuga, and Seneca counties, containing nearly three million three hundred thousand acres, and rising of one hundred and thirty thousand inhabitants—the whole of this country very fertile, and capable of sustaining a much larger population than it now has—great part of it still a wilderness, but settling rapidly. The natural and least expensive channel for the exports of almost all this region, is down the Oswego river to Ontario, and thence down the St. Lawrence. It is a subject which ought not to be considered lightly; it is interesting to every American; it involves not only pecuniary considerations, but the attachments and affections of the people. He did not believe there was any part of the United States where the attachments of the people were more firmly rivetted to their Government. They had had during the late war, throughout the whole of this country on to Lake Erie, repeated occasions to give evidences of this. They had always been ready and willing to perform their duty as citizens of the American Republic. But it becomes, notwithstanding, necessary, on the part of Government, to use every exertion for the purpose of removing obstacles to the performance of duty, or temptations to swerve from it. The expense of the part of the canal which would be sufficient to divert this portion of the trade, is indeed trifling, compared to the object. It requires nothing more than the effort; every difficulty will vanish. He had this morning been informed by a gentleman from Massachusetts, that the Middlesex canal, from Boston to Merrimack, cost $17,000 per mile. This was cut for some distance through rock. The one he now spoke of, would be cut through a soft soil; the ground was entirely level; the only lock requisite, for a distance of about forty miles of it, would be at Rome. From the most accurate information that could be obtained, this part of the canal can be constructed and completed for less than $10,000 per mile; and he was well assured this was a larger sum than it would actually cost. There ought, therefore, to be no hesitation, if the Government have the power, and of this he had no doubt, to do something for the promotion of so useful, so advantageous an operation. But this was a small portion of country; the extension of it to Erie is of the greatest consequence.

He had said before, but would repeat it—in that also the United States had an interest on the score of pecuniary advantage from their land; and its actual increase in value, in consequence of these operations, if they shall be completed, will be much more than sufficient to pay the whole expense of the work. As an expenditure, therefore, from which they may expect to derive an actual per centage, it would be advantageous. He had given the population of the counties which would be affected by this canal,

as far as the Seneca outlet. These people had in some measure the choice of two markets. The expense, indeed, of transportation to New York, was greater than to Montreal—yet, if there were obstacles in their way to the Canada market, they would then use the other, although at somewhat greater expense; but that was not the case with the more Western counties. The counties of Ontario, Genesee, Niagara, Cataraugus, and Chatauqua, contain more than four millions five hundred thousand acres, and more than sixty-three thousand inhabitants. The exports were rapidly increasing, and without the canal they had no other outlet. These people were subject to the harassing policy of the Canadian Government, without remedy, and must become more and more interested in their measures. He held in his hand a letter which had not been intended to be used for this purpose, but which contained information useful to show to what extent our people would become, without some effectual measures on our part, dependent on the Canadas for their market. The letter was directed to his colleague, (Mr. BROOKS,) from whom he had just received it. From the port of Sodus only, on Lake Ontario, there were exported, during the last year, for the Canada market—he named a number of articles of produce, among them were ten thousand barrels of flour, a very considerable quantity of wheat, corn, potash, &c. From this, an opinion could be formed of the value of this trade, and of the influence it would hereafter give the Government of Canada in this part of the country. There are, indeed, other objects of great importance, but there are none which so strongly require the attention of Government in every point of view. It was not his intention to enter into an examination of the subject farther. He would only observe that whether the Congress aided or not, he hoped and verily believed that the State of New York would ultimately finish the work without such assistance. Great and important as it is in a national view, yet, if no assistance could be given towards it, he hoped and trusted she would not be wanting in justice to herself, and use her ample means for the accomplishment of an object demanded by every principle of national or State policy.

Mr. BARBOUR, of Virginia, next rose. He said, that he should not have addressed the House at this late hour, had he not been influenced, as well by the importance of the subject, as by the principles which had been assumed, in the progress of the discussion; he would, however, promise not to occupy a moment of their time, more than was indispensably necessary to explain his views.

He said, it was certainly true, that internal improvement, upon an extended scale, by means of artificial roads and inland navigation, was in itself a desirable object; it was desirable, because it would facilitate means of intercourse between the several States; it was desirable, because by diminishing the expense of transportation, and enlarging the market, for the various products of the country, it would enhance their value, and thus augment the totality of the wealth of the nation; and indeed it might be productive of many other advantages, which had been portrayed, in such glowing colors, by the member from South Carolina, (Mr. CALHOUN.) He thought it, however, well worthy of the serious consideration of the House, how far it was prudent, under the existing circumstances of the country, to embark in the scheme, proposed by the bill upon the table; and especially, to the extent which that bill proposed. He would call the attention of the House for a moment, to the amount of the contemplated appropriation. It consisted in the United States' bonus and dividends in the Bank of the United States; the bonus was one million and a half of dollars, payable in three instalments; the dividends were of course somewhat uncertain; but as the United States had a capital of seven million of dollars in the Bank, if the profits of that institution were only equal to the average of State banks, (and he thought it was obvious they would be greater,) the dividends would amount to $700,000 per annum. An appropriation, then, of the bonus and the dividends as they should annually accrue, for a period of twenty years, would amount to an immense sum; he had not made the calculation, but he said, it seemed to be agreed amongst political arithmeticians, that one per cent. of any given capital, annually appropriated, and operating at an interest of five per cent. upon a compound principle, and applied to the capital only, would extinguish it in a period of thirty-seven years. Taking this then, as a datum, and recollecting that the sum here would be at an interest of six per cent., he thought it probable, speaking from conjecture, and without the aid of actual calculation, that the proposed appropriation would, in its aggregate result, upon the principles which he had before stated, be equal to the extinguishment of about $40,000,000 of our national debt. It was for the House to decide, whether they were prepared to go to this extent; it was for them to say, even viewing the question in the light of expediency only, whether it was better to apply the amount of the proposed appropriation to the payment of the public debt, or to the execution of the great scheme of internal improvement, contemplated by the bill.

But, he said, he would not dwell longer upon this view of the subject; because, whatever might be the expediency of the measure, whatever advantage it might promise, he should feel himself constrained to vote against the bill, upon the ground, that it embraced objects not within the sphere of the Constitutional powers of Congress.

Mr. B. said, it was with real reluctance that he entered into this part of the subject; because it was extremely difficult, at the present day, to take any ground in relation to that question, which had not been in some degree pre-occupied, on former occasions, which were memorable in the history of this country; but he felt it to be a duty which he owed to himself, to state to the House his construction of the Federal Constitu-

tion; not only because it influenced his course upon the present bill, but because it had influenced him upon many other important occasions on which he had been called to act, since he had been a member of this House. If, in doing this, he should occasionally tread in the footsteps of those who had gone before him, he must find his apology in this: That when the same text occurred, it could not be explained, without resorting in some degree to the same commentary.

The State governments, Mr. B. said, were abundantly competent to all the purposes of ordinary legislation; to the protection of the lives, liberties, and property of the people; and to their own internal order, improvement, and prosperity. For what purpose, then, he asked, was a Federal Government necessary? He answered, that it was necessary for the purpose of concentrating the strength and resources of the several States, with a view to their defence against foreign danger; it was necessary for the regulation of foreign commerce, and all those external objects which constitute what are usually called the foreign relations of a country. There were also some few internal objects, which, by reason of their very great importance or the necessity for uniformity, called for the superintendency of a Federal Government; such, for example, amongst others, as the regulation of commerce amongst the several States, the coining of money, the establishment of an uniform rule of naturalization.

In conformity with these ideas, the Constitution had delegated to Congress not a general but a partial legislative power; comprehending, indeed, all the external objects of the Government, but only a few specified objects of an internal character, distinctly enumerated. As, however, there was a division of power between the Federal and State Governments, in relation to objects of the kind which he had just mentioned, such was the jealous caution against any possible misconstruction, that it was expressly declared by the tenth amendment, that "all powers not delegated to the United States by the Constitution, nor prohibited by it to the States, were retained to the States, respectively, or to the people."

Whether, then, reference was had to the purposes for which the Federal Government was instituted, or to this explicit declaration, this principle resulted—that when a member of the National Legislature was called on to act, he occupied ground directly the reverse of what he would occupy were he a member of a State Legislature:—there he would be able to do whatever was not prohibited; here he can do nothing but that which is authorized. This principle had been the polar star, by which he had uniformly been governed; and not being able, by the best lights of his judgment, to find in the Constitution any grant of the power proposed to be exercised by the bill upon the table, he felt himself constrained to vote against it. But gentlemen, yielding to the force of the principle which he had just laid down, had entered into an elaborate argument to prove that the Constitution had delegated to Congress the power of making roads and canals. And here, Mr. B. said, at the very threshold, he could not forbear to remark that scarcely any two gentlemen who had spoken upon the subject had agreed as to the provision of the Constitution from which this power was derivable. From this circumstance alone, he deduced an argument of some weight against them; for if the advocates of the measure, whilst they united in the result, differed essentially amongst themselves in their own principles; if one derived the power from one clause, and another from a different one, this indicated at least such a degree of doubt upon the subject, as should make the House pause, and deliberate seriously, before it adopted a conclusion derived from such different sources, and supported by such contrariant principles.

But, Mr. B. said, that he would now proceed directly to the question, and would endeavor to show that the proposed power was not sustainable upon any of the principles which had been assumed as the basis of its support.

Great reliance had been placed, in the course of the argument, upon the language, in which the power "to lay and collect taxes," &c., was expressed; particularly the words, "to provide for the common defence and general welfare of the United States." If he understood the argument, this broad proposition had been assumed—that Congress, having power to raise money by laying and collecting taxes, might appropriate the money thus raised to any object which, in their opinion, would contribute to the common defence and general welfare; provided the purpose to which it was appropriated was not prohibited in the Constitution. It had been said that roads and canals would contribute to the common defence and general welfare; and hence it had been concluded that Congress had therefore power to make them. If this construction were to prevail, he asked what would become of the specific enumeration of powers which immediately followed the clause in question? Did that enumeration mean anything? He could not suppose that any gentleman would contend it was inserted without meaning. What, then, did it mean? He thought it was obviously designed as a limitation upon the previous general language which had been used; that is, that the "common defence and general welfare" were the end to be obtained. The various enumerated powers which followed, were the means by which they were to be attained. If any other construction than this prevailed, the consequence would be, that a Government which, upon the face of its own charter, was declared to be limited to certain definite objects, would in reality become almost wholly unlimited; for, with the exception of a few prohibitions, (and they were but few,) Congress might appropriate money to any object which, in their opinion, would promote the "general welfare." What was this but a substitution of legislative discretion for Constitutional right?

The power "to establish post offices and post roads," had also been relied upon in justification

of this bill. The first answer which presented itself to this argument was, that this power was not even pretended to embrace canals; and as to the roads for which it provided, he had always considered that nothing else was intended by it, than an authority to designate and fix the mail routes. It must be observed, that the words were not to cut or to make post roads, but to establish them. He thought the obvious meaning of the terms used, justified his constructions. Another argument in favor of this construction was this: at the time when the Constitution was formed, the State governments then were, and long had been in being; and having charge of their own internal improvement, they either then had, or it might be calculated upon that they would make such roads, as the necessity or convenience of their citizens rendered necessary. Considered in this point of view, it was not necessary to give to Congress the power to make roads; all that was requisite was to reserve to them the right of passage, adding such roads as the States had or might make; that right is involved in the power to establish post roads. He would only add that the House had been informed, by the venerable member from Massachusetts, that at an early period after the formation of the Constitution, this power was understood to convey only the authority to designate and fix routes for the mail; this information also went to fortify his construction. There were, he believed, only two other powers to which the right to make roads and canals had been referred, not as being expressly granted by them, but as being incident to them, and, therefore, granted by implication. These were, the power "to regulate commerce amongst the several States," and the power "to raise and support armies." Upon the subject of incidental powers, as growing out of what was generally called the residuary clause in the Constitution, he would remark, that to justify the exercise of a power not granted, as an incident to one which was granted, it was not enough to show that, by indirect and remote consequences, it might conduce to the execution of the granted power; such a construction would break down all the barriers of the Constitution; it must be shown that it had an immediate, direct, and obvious relation to the power granted. He would exemplify his idea by a case which he would put. Congress had power "to lay and collect taxes;" but, as assessment was necessary to collection, therefore they had power to appoint assessors, and, upon the same principle, collectors also; he was satisfied that the power of making roads and canals could not be assumed as incidental to either of the powers which had been mentioned; either according to the definition, or the exemplification which he had given.

To regulate, was to prescribe, to direct; the power, therefore, "to regulate commerce amongst the several States," meant the right to prescribe the manner, terms, and conditions, on which that commerce should be carried on. This, he thought, was the plain meaning of the terms; but he referred also to the history of the times, and to the local circumstances of the United States, in proof of this idea. Some States were advantageously situated for commerce, others were much less so; it was apprehended, that the desire of the first to make the most of their advantages would cause them to establish partial commercial regulations; the latter class, or States less advantageously situated, would endeavor to escape from their operation, hence were feared jealousies and feuds amongst them; to avoid these evils, to put commerce amongst the States upon a footing of equality, it was thought right to give to the Federal Government the power to regulate it; and in further confirmation of this idea, even the Federal Government was forbidden, by the Constitution, from giving, "by any regulation of commerce, a preference to the ports of one State over those of another." His colleague (Mr. SHEFFEY) had contended that, before the formation of the Constitution, the States had the power to regulate commerce; that if they had thought proper to facilitate it by roads and canals, they would have had the power to have done so. He had said, that the power to regulate commerce being exclusive, whatever belonged to the States had been delegated to Congress; hence he inferred that, as the States might have made roads and canals, as incident to the regulation of commerce, that power having been granted to Congress, the incident passed with the principal; and that, therefore, they might make roads and canals. The error of this argument consisted in this: that the power to make roads and canals existed in the State governments, not merely as an incident to any other power, but as a substantive, independent attribute of sovereignty. His conclusion, therefore, which depended mainly upon the assumed principle, that the power of making roads and canals was incident to the regulation of commerce, as this principle failed, was, as it respected the premises which remained, if he might be allowed the expression, a *non sequitur;* in one word, the grant of one independent power did not carry with it another independent power.

The last power by which this bill was attempted to be justified, was the "power to raise and support armies." This, it has been said, involved the incidental power of making roads: he had already expressed his opinion as to the nature and extent of incidental powers; he had already endeavored to give both a definition and exemplification of that kind of powers; he was satisfied that the making of permanent military roads was not incident to the power of raising and supporting armies, according to either of those standards. A remark which he had made in relation to post roads was equally applicable to military roads—the States having already made such roads, as necessity or convenience required; and it being a reasonable expectation that such other roads should be made by them, from a regard to their own interest, as further experience should show to be necessary, the fair presumption was, that it was not within the contemplation of the Constitution, either by express grant or by implication, to give to Congress the power of making perma-

nent roads for the use of the United States. All that the United States wanted with roads for the use of their armies, was a mere right of passage, for which the roads of the States would be sufficient; if, indeed, in time of actual war the cutting of a road were unnecessary to enable our armies to march, he would not deny them the power to do so; but the difference between such a case and the present bill is: the power to make the road being, in the case stated, deduced from the necessity of the occasion, would only be co-extensive with that necessity, and as the one would be temporary, so likewise would the other be; whereas the bill on the table proposed a system under which roads might be made without knowing, other than by conjecture, whether they ever would be used as military roads, under which roads were to be made for commercial purposes; but, above all, roads in which the United States would have not a mere right of passage or temporary use, but a continuing and permanent interest. The difference between these rights was important. Mr. B. would endeavor to show it by a case which he would put. Suppose the United States to determine to turnpike the great road leading from Richmond to Fredericksburg, and for that purpose to establish a company; suppose the Virginia Legislature to incorporate another company to turnpike the same road; in this collision between Federal and State authority, which should prevail? He thought that the difficulty of answering this, and many other questions which might be put upon this subject, was sufficient to show that a doctrine which led to such consequences could not be sustainable.

Mr. T. Wilson, of Pennsylvania, said, the degree of attention which I have had occasion, at various times, to direct to the subject embraced in the bill before the House, induces me to submit a few observations. My intention is, principally, to present to the view of the House some prominent facts—some which have come within my own observation, and others derived from sources which I rely upon as unquestionable authority; of such notoriety, indeed, that their admission is expected without a question; while their application, it is hoped, will be pointedly directed to the subject in discussion. They go, however, wholly in illustration of the expediency of the measure proposed—and here I must be permitted, first, to remark, that I find myself disappointed and unprepared upon another point drawn into argument, which seems to arrest, in the outset, all other considerations—Constitutional exceptions are taken to the measure. This I had not expected upon the present bill, because its provisions seem carefully guarded upon all the points upon which I had apprehended any Constitutional question to arise. In its present form, it proposes nothing without the consent of the States, respectively, and leaves the particular objects and mode of application to a future Congress, which, it is fairly presumed, will keep within the pale of the Constitution. The contrary is certainly not to be presumed. If, then, any provision whatever can be made by law on the subject, requiring an appropriation, this bill must be found free from all Constitutional objection, because it does nothing more than set apart a fund, without making any specific appropriation. I shall not attempt to discuss the question which has arisen, especially after the able discussion it has had already.

The gentleman from Virginia, (Mr. Barbour,) himself, has given a most lucid and eloquent exposition of the Constitution, in the principles of which I am ready to agree with him. I only differ with him in the application of the principle; in the practical detail of measures under the Constitution, and especially in its application to the principle of the bill.

Whenever a Constitutional doubt is opposed to any measure of great importance, I am compelled to recur to the *spirit* of the Constitution—to the original necessity which at first declared its adoption. What was that, sir? It was that of the common defence of numerous separate communities, requiring a unity of design and of action—trial was made of an ordinary confederacy—experience demonstrated that it could only be held together under the pressure of a defensive war—in times of tranquillity it was found inadequate to the measures requisite to the security of all, and a Federal Government was substituted; to which, by its Constitution, was assigned the all-important powers of peace and war; the raising of armies; the regulation of commerce between the States, and with foreign States. The national revenues and domain were assigned, with those powers, to this Government; and it was charged with the guarantee to each State of a Republican form of government—to regulate the currency, and provide for the common defence and general welfare—in a word, it became necessary to organize a General Government for the general interest, because there are things which no single State can be bound, or under any obligation to do; which no single State has the ability to do, and which things are necessary to the common defence and general welfare. While we confine ourselves to these objects, the Constitution is secure; but when we fail or neglect those great common interests, the spirit of the Constitution is broken—we abandon our trust. As a national Representative, I feel myself bound, by every obligation of duty and allegiance, to provide for the common defence and general welfare—to provide for them in the best manner, by the most appropriate means. I know of no single measure so essentially necessary to these ends, as that which proposes to facilitate the internal intercourse of this great country. Without intercourse, we can have no common interest; and without roads and canals our intercourse is difficult or impracticable.

The gentleman from Virginia admits that, in time of war, such a measure would be proper; but, in time of peace, premature—you know not by what route your enemy may approach. This last position is untenable. The great lines of communication, which are properly national objects, either in peace or war, cannot be mistaken;

they are perfectly within the sphere of both civil and military science. The lines which record our sacred Constitution itself, are less legibly written. These we derive from the agency of our fellow-men; the former are indelibly graven by the finger of God. When war comes, it is then too late for a measure requiring the regular process of well-directed skill, time, and labor. Of this we have lately had a practical and an awful lesson. More than half the disaster, calamity, and expense, of the late war, proceeded from the want of proper facilities of intercourse. I am bold in the assertion, because I have seen and felt its truth, which you find now confirmed by the declaration of the gentleman from Ohio, who speaks from the experience of a principal actor in the scenes of that war. But, during the war, you are without a remedy. This, also, I have had occasion to feel. Four years ago, I implored this House, almost on bended knees, to make some exertion suited to the necessity which was manifest. I had witnessed the failure of campaign after campaign, exceeding each other in degrees of disaster, destruction, and expense. We had witnessed the delay of the Ontario fleet; we saw ourselves indebted, after an exertion of skill and enterprise never exceeded, to a rare accident, a Providence, for the completion of the Erie flotilla, in 1813. It never would have sailed, but for a most extraordinary swell of the waters in June. Yet, so pressing and various are the subjects requiring instant attention in time of actual war, that no hope can be reasonably entertained that the necessary improvements can be made at such a period.

Cast but an eye over the extent of territory over which this Republic spreads. The necessity for great exertion to improve the facilities of intercourse is manifest, if we had no experience. But, shall we close our eyes against her recent admonition? Again, look at the numerous streams and waters which traverse this great Continent in all directions. See how great the object—how little of labor nature has left us to perform, compared with it. The invitation is strong: much is promised, and it would be slothful stupidity to leave that little undone. It will not be said we ought to be content with those advantages in the state in which nature gave them. This would be to say the arts are useless—that the corn ought to be eaten in the husk. I have parted from the Constitutional question, as I intended to depart from it, gradually; for not a national necessity exists, which the proposed improvements might remedy, but is a key to unlock the Constitution. Neglect them until the moment of war and peril comes, when the Constitution (because the country also) is in real danger, who would say you had violated that Constitution, had you taken seasonable and provident measures to secure both by providing the facilities of intercourse? One, and only one, word more on this point. I hold this truth to be self-evident, that the Constitution, having given the powers of the States into the hands of this Government for the purpose, it has enjoined upon it also the duty vigilantly to do those things, to wit: which a single State cannot be bound to do; which a single State is unable to do; such thing being evidently requisite for the common defence and general welfare. Are the improvements contemplated by the bill of this description? I might appeal to the interests of peace; I might appeal to the interest of every section of the Union. None can apprehend an evil from such improvements. If any have an apprehension, it is of some dangerous abuse; it is that this Government might go too far. It cannot be an apprehension of danger or disadvantage from such improvement, such as a State cannot effect, one necessary for the general interest, and one made with the consent of the State in which it is situated, and not otherwise.

Will it be said that the Constitution ought first to be *constitutionally* amended? I think not; because, so prevalent is the opinion that it is as full in this respect as it ought to be, that I doubt whether a salutary amendment can ever be made; and because many believe the practice of resorting to frequent amendments is the most dangerous one you have to apprehend. As it now stands, there is no want of power to do what is necessary for the common defence and general welfare; but, in doing so, circumspection will be observed. You cannot easily effect unnecessary purposes, attended with expense; but, mend or alter that instrument frequently, and can it be for a moment believed that the rights of the States and of the United States can continue mutually secure, if this be a desirable object, as undoubtedly it is?

Having spent some time in meeting the difficulty which, contrary to my expectation, seemed to arrest the bill in the threshold, I shall now proceed briefly to consider the expediency of the measure, which was all I had intended to touch. Its expediency itself has been disputed. The measure is said to be premature—too expensive for the capacity of the country, and especially at a time when internal taxes are resorted to for the discharge of the national debt, and the expenses of the civil list and peace establishment. Whence, I would merely ask, do we derive most of our resources; and whence do gentlemen opposed to this bill tell us we ought to look for the whole of our revenues in time of peace? To foreign commerce. This is the doctrine. How then, upon their own principle, can that revenue be maintained in a ratio increasing with our population, but by making it accessible to the abundant productions of the interior country? This can be effected only by means of good roads, canals, and improved water-courses. By these means, your foreign commerce is enriched, and its revenues augmented; by these, and by these only, is a value given to the soil itself of your public lands, your next great source of revenue—not a nominal or speculative increase of price, but a real augmentation of its intrinsic value. The sober councils of wisdom and experience recommend, above all other measures, those which turn the attention and enterprise of our citizens to their own territory. The people of this country can instantly distinguish between a burdensome expen-

diture of money, which leaves no trace behind it but the baleful habit of consuming, and the judicious employment of capital in great national works of permanent utility, and indeed of first-rate necessity and importance. Such are the objects of the bill in a pre-eminent degree, because the facility of internal navigation and intercourse promotes all other objects. It gives a due value to every production of land and labor; it affords the advantages of concentration, without the miseries of a crowded population; it saves the labor now exhausted in transportation, and it multiplies exchangeable commodities. Millions of valuable articles have lain dormant ever since the creation, which the means of cheap transportation would bring into useful operation. The greatest portion of our territory is so far interior, that more than one-half of the produce of agriculture itself is expended in carrying the other half to any market, whilst other articles of indefinite amount remain as useless as the waters of the wilderness. Amongst these are timber of all kinds, tar, pitch, ores, plaster, limestone, bricks, clays, marble, freestone, coals, &c. *Manures* alone would amply compensate the proposed improvements. If revenues alone were the objects to be attained, these improvements would be sufficiently important; yet this consideration is small, compared with the permanent welfare and prosperity of a great and growing population. Districts of country are destitute of timber; others are burdened with its over-abundance. Numerous districts are destitute of coal, plaster, and lime; others possess them to no purpose. Can any man who looks at this great country believe that such improvements would be an expense? As well might the farmer forbear to plant, because he first must plough. No sooner will the plan be fixed, and the National Government engaged in its execution, by the adoption of suitable measures, than the advantages of the system will be felt; and if completed in ten years, the increase of revenue which it will cause, in the same time, will be much more than the whole cost of the works.

Can a well advised system of internal navigation at this day be thought theoretical? By some it will forever be so considered until it shall be carried into effect. Will it be said by any, that such an undertaking would divert labor from useful pursuits, from agriculture, &c.? Experience has proved the contrary. Canals, it is true, we have not; but turnpike roads were as much in theory—were deemed as visionary twenty years ago as canals are now. But roads were undertaken; we now have them extending in all directions, their aggregate many thousand miles. Wherever roads have been actively promoted, agriculture has flourished; wherever they have been neglected, the same slothfulness which neglected them also suffered agriculture to languish. The good effects of roads has exceeded the most sanguine expectation.

The gentleman from Virginia (Mr. BARBOUR) estimates the fund proposed to be set apart at $750,000 annually, and states, that operating as a sinking fund, it would extinguish $45,000,000 of the national debt in twenty years. Now I think it probable that the fund is considerably overestimated. Be this as it may, its effect in twenty years certainly is overrated extremely. Supposing the debt to be at six per cent. per annum interest, it will in twenty years extinguish $28,500,000, provided you add to it annually $1,710,000, the amount of interest upon the whole sum for one year. The steady application, in half-yearly payments, of $750,000 and $1,710,000, making together $2,460,000 for twenty years, will discharge a debt of $28,500,000, and no more. To extinguish, in the same space of time, by similar payments, viz., half-yearly, a debt of $45,000,000, you must provide $1,184,000 and $2,700,000, together $3,884,000, annually, for twenty years. To discharge the first mentioned debt of $28,500,000 in twenty years, you actually pay, in the name of interest, over and above what is paid by the fund of $750,000, the further sum of $34,200,000; and to discharge the last mentioned debt of $45,000,000 in the same time, you actually pay, in the name of interest, $54,000,000 in addition to the aggregate amount of twenty annual payments (made to half-yearly instalments) of $1,184,000 each. The advantage of a sinking fund consists altogether in its faithful and steady application; but in stating the effect of any given sum set apart to be applied to principal, it ought, at the same time, to be distinctly understood, that the interest must be provided annually upon the whole amount until the last dollar shall have been paid off. But whatever effect it might have, it certainly would have none greater than any other equal amount would have, and it ought not to be held for such an object if the debt be not payable, or if the money be really more wanted, or can be more advantageously employed otherwise.

That the improvement of the intercourse is an object of much more importance than the discharge of a debt before it falls due, I believe may be confidently assumed. If its application would increase the revenue more than the expenditure or employment of the capital would subtract from it, then it is more immediately profitable. If the system of improvement by roads, canals, and the removal of obstructions in water-courses was completed, the labor it would save in transportation in one year would more than equal the whole expense. Any man personally acquainted with this country, in its whole extent, and also with the labor of transportation, will readily admit this position; to those unacquainted with either, but more especially to those unacquainted with both, I am aware that the assertion will seem bold and extravagant. Flour in the seaports is now worth $12 or $13 per barrel; west of the mountains it is worth from $6 to $7 and $8. These prices are unusually high, yet half, or nearly half, the quantity is expended in carrying the rest to market. Flour is less ponderous, according to its value, than most other agricultural produce. But the transportation of articles to seaport markets is by far the least portion of transportation—the internal commerce between

citizen and citizen being, in all countries, greater by far than the external commerce between the State and foreign States or countries. In Great Britain itself the internal commerce is known to be greater than the foreign as seven to one; in other countries in a much greater proportion. But in these United States, when the extent of territory, when the variety of production and pursuit, is considered, the foreign will bear no comparison with what the internal commerce is or ought to be, but which it cannot be without inland navigation, as well as improved roads. Roads in all countries are necessary; they are more necessary according as the territory is more extensive; and in the same proportion exists the necessity for inland navigation. Within a certain extent land transportation might answer all the purposes of a useful commerce, probably with more advantage than by waters, requiring considerable expense to improve their channels; but in a more enlarged extent land transportation becomes less adequate, and water communication more necessary; and in a country of the extent of the United States, there is much of the most useful and necessary commerce which land transportation cannot effect at all. Plaster may be considered as the soil itself, or rather as the seed on which agriculture depends; without good roads this necessary cannot be distributed, nor will it bear long transportation by land on any roads; by canals and rivers it can be distributed to every neighborhood; the same may be said of clay, lime, coal, and timber.

The extent of our territory would indeed forbid the attempt at canal navigation were not our waters as extensive as the territory; but this being the well known fact, the very circumstance which would otherwise form the chief objection is the strongest recommendation. Four hundred and fifty miles of artificial canals would be valuable where they are the only means of water communication, but would for a long time, probably, be too expensive an acquisition; but when 450 miles of canals, of the least expensive construction, offers to our acceptance 10,000 miles of additional inland navigation, the case is reversed; and the sacrifice we make is in the neglect of this great national and permanent object.

Look at every country in Europe, to say nothing of China, where the most cogent example might be found. But some will answer me, that we ought not to draw our examples from the old and despotic Governments and enslaved subjects of Europe. But why, then, do they not throw away their muskets in war, and their ploughs in peace, because these implements were introduced from Europe? I shall not dwell, however, abroad. In China we see a great country, literally filled with inhabitants; canals are its support and ornament. In Europe we have only to name the canals which abound all over it. They have always been most encouraged by the wisest Governments, under those reigns which have given the character to each nation of which it makes its boast—think of Holland, France, Germany, Russia, Prussia, and even Sweden. These improvements are associated with the names of Louis XIV., Frederick, and Peter the Great; in Great Britain, with that of a Bridgewater.

I shall detain you with particular instances from one only of the States of Europe—Great Britain—and there with but two of the number of instances which might be detailed. The first that occurs is that system of internal navigation, projected and perfected by the Duke of Bridgewater; the whole extent is only one hundred and thirty-eight miles, but so expensive and difficult have been the works, and so great the perfection attained, that it seems more than the result of human exertion. The lockage, aqueducts, culverts, feeders, and reservoirs of this navigation, are more expensive than all the canals required in the United States; but the most extraordinary part of all is the under-ground navigation of eighteen miles, which forms a part of it. This is carried upon two levels; the lower extending twelve miles through different seams of coal, the upper is one hundred and ten feet higher, extending six miles, and is from one hundred and fourteen to one hundred and eighty perpendicular feet below the surface of the ground. The communication between the upper and lower levels, an inclined plane, dipping one foot in four, near four hundred feet, cut in a solid rock of white granite, upon which the loaded boats are passed up and down upon rollers and railways, by a windlass and horse power.

This navigation connects London, Liverpool, Manchester, and Hull, performing amongst them all necessary exchanges of commodities, whether raw or manufactured, enabling these great and populous cities and towns, with all the intermediate country, to obtain, besides the ordinary exchangeable commodities, clays, quarried stone, lime, marble, sand, and even manures of all kinds, and fuel for their immense consumption. Vastly expensive as the works have been, they are found profitable to their owners, and justly considered as having added more to the general prosperity of England than any other one establishment has ever done. The second and last in Europe which I shall notice, is the Forth and Clyde navigation in Scotland. The canal which unites these waters is only thirty-eight miles long; but a work of such vast expense and difficulty, that although it had been projected by Charles the Second, and having been abandoned for the want of resources, was again revived in 1723, when a survey was made; again in 1762, 63, and 64, 67, and 68. It was never thoroughly commenced until 1768; never opened for navigation until 1774, and then but for something less than half its extent. Eleven miles still remained to be made in 1784. It was not completed the whole distance until 1790; and the whole revenues were expended in perfecting this expensive work until 1799 inclusive. In that year the company were permitted by act of Parliament to add the interest of their expenditure to their original stock, which formed an accumulated capital of £421,525, divided into 1,297 shares of £325 each, and on this sum their dividends were limited to ten per cent., and the first dividend was made in 1800, of

only three and one thirteenth per cent. This navigation, although only thirty-eight miles, was constructed at an enormous expense; having its summit level at an elevation of one hundred and fifty-six feet; medium width of the surface fifty-six feet, at bottom twenty-seven, depth throughout the whole eight feet, calculated to be increased to nine; thirty-nine locks of eight feet fall each, seventy-four feet long, and twenty wide between the walls; passes over ten large aqueducts, and thirty-three smaller ones. There are thirty-three drawbridges over it, and sixty-three houses belonging to the company, two dry docks, and eight expensive reservoirs, covering in all eight hundred and twenty-eight acres, and from which the supply of water is conveyed from six to twenty miles. The whole expense, as has been stated, was £421,525, equal to $1,873,576, or $49,304 per mile.

Notwithstanding the enormity of the expense, this improvement is found not only a profitable stock to the company, but to give new importance to Scotland. The error most conspicuous in the conduct of this great work was, that it was not prosecuted with more vigor; that Government did not lend an efficient aid, so as to have had it in productive and useful operation in three or four years from its commencement. Minute details in this place would be tedious; they must therefore be omitted; yet in order to convey the clearest view of the importance of this single improvement, no better illustration can be given, than a simple but summary statement of the progress of wealth in its vicinity, and of the revenue derived from the tolls for a given period. This statement I shall attempt; the materials are derived from an authority which I believe may be implicitly relied upon. It will show that its advantages were small, have steadily and rapidly increased, that they have become great, and are still as likely to increase as heretofore. The revenues of this canal were, omitting fractions, in 1774, £678; 1784, £7,457; 1794, £12,373; 1804, £20,872; and in 1814, £48,074 sterling; equal to $213,648. The increase of population, improvement, and general prosperity of the city of Glasgow, and along the whole tract of the canal and its vicinity, has been in a ratio correspondent to that of the revenue which accrued to the canal company. Time, however, would fail to permit a reference to the statistical accounts by which this is demonstrated; these are, however, in the reach of any member of this House. The instance is, upon the whole, most striking; especially when it is considered that this is in a country which had remained stationary for centuries, with confirmed habits. If such effects are experienced in the dry tree, what may we not hope for in the green?

I come back now to our own country, the great features of which we have all contemplated; the country which, above all others, presents at once the means and the inducements for similar enterprise. Canals here have not yet had an experiment; they have been but partially attempted, without any aid or patronage from Government, an aid which, in this country, is peculiarly and indispensably necessary to their success; because those of most importance are so to the whole community rather than to any portion of it. The situations in which they are required might be enumerated, the evident advantages dwelt upon, the practicability demonstrated; but as an epitome, let a single instance be selected; one which has in a manner forced itself, almost, but scarcely altogether, into existence and usefulness. I select this one because I have offered facts to support the statement which I shall offer respecting it, and because these facts are recent: The Dismal Swamp Canal in Virginia and North Carolina. This improvement has, indeed, been long projected, and some progress made in the work, though very imperfect; it had been cut through the land which separates the waters of the Chesapeake Bay and the Albemarle Sound, and furnished with wooden locks, but not of sufficient depth or width, nor were the works kept up. It was neglected from the want of funds. So great, however, were the hardships experienced for want of a communication during the late war, that, under all the inconveniences of that period, a considerable share of attention, under the dictates of necessity, was directed to this canal, and exertions are still continued for its completion, but with considerable doubts whether the want of sufficient funds will not again force a suspension. Imperfect as it was, it was, in 1815, for about six weeks, open for navigation. In that short period, and besides the articles paying toll by valuation, the following articles are officially stated to have passed through, viz: 6,519,419 shingles; 1,160,591 staves; 16,703 bushels of Indian corn; 2,313 bushels of rice; 2,138 hogsheads of tobacco; 2,767 bbls. of fish; 3,575 barrels of tar; 329 casks of turpentine spirits; 2,475 bales of cotton; 119 barrels of black lead; 327 tons of iron; 181 tons of lead, powder, and shot. A small encouragement from Government by subscription for shares of stock or otherwise, would insure the completion, on an enlarged plan, of this valuable work, which is otherwise in danger of failure; the more especially to be regretted, because it (as well as the Chesapeake and Delaware Canal) is one of the links of the chain of inland navigation, from Boston harbor to St. Mary's river; the importance of which, as a national object, is sufficiently understood by this House and this nation. The Chesapeake and Delaware Canal Company wait only the nod of this Government to be again in activity, with funds within its reach to the amount of $600,000, (100,000 of which have been actually invested in the works, upon a permanent plan,) depending wholly upon the encouragement of subscription for stock by this Government, to the amount of only about one quarter of that sum. In Jersey, also, individual enterprise is in preparation, anxiously waiting only the encouraging intimation from this Government. New York is in similar readiness upon a larger scale. So, also, is Pennsylvania, and I believe every State in the Union. But each must be discouraged, for the want of any assurance that correspondent

improvements in neighboring States will be effected, upon which the value of its own must greatly depend, and above all by the circumstance that the National Government possess exclusively the funds adequate to insure success to undertakings of so much magnitude, and the paramount interest in their completion; as their obvious tendency is to enrich the revenues of commerce, to enhance the national lands, and afford the cheapest and most efficient defence of the country.

The facts which have been stated, the experience of a recent war, the interests of peace, the favoring aspect of the world at peace, and the state of our own resources, all recommend the great objects of improvement to this Government, and especially at this time. In settling a peace system, these should form a prominent part of it. Other considerations press the subject upon us at this period. Who can say what foreign commerce has to offer us after the present year? Let us, then, secure one at home, and navigate through our own peaceful territories, when we have no object to invite us across the ocean. Nor ought we, in the security of peace, to forget that we have lately been at war. Circumstances are not wanting at this moment to admonish us that the world is not to be trusted. The temper of Spain, of Great Britain, and of some Indian tribes, are far from being in harmony with us on some points of considerable importance. One circumstance of great importance was noticed by a gentleman from New York yesterday, (Mr. GOLD)—the rivalship of an adjoining province of Great Britain in the trade and commerce of our possessions. The waters of the St. Lawrence at present afford the only channel of export to more than half the territories of Vermont and New York, to a portion of Pennsylvania, Ohio, Indiana, all the Michigan territory. Part of this extensive district is already populous, and the rest becoming so with rapidity. Smuggled merchandise may defraud our revenue, and rival our manufactures in that quarter, and its produce of all kinds must be drawn to the British ports in Canada by the easy descent of the waters. By the same channel an intercourse is easily kept up between the British Government and traders, and all the Northwestern Indians, so as to secure their trade, and cherish unfriendly dispositions towards us. The whole of the trade and commerce of all that extensive region, as well of the present and future white population, as with the Indians, may be advantageously turned and secured to the United States, only by improved inland navigation and roads. When it is considered that both those of the Lakes and St. Lawrence afford a greater abundance of lumber than any river in the United States—that large importations through Canada are alone wanting to furnish transports for large supplies of that lumber—I, for one, am not disposed totally to disregard the possible rivalship of British enterprise in that quarter, especially when it is a commercial enterprise, connected with her shipping interests, even with her navy. We possess the ample means of securing to ourselves that part of our northern trade which belongs to us; and I would rather resort to those means in due time, than afterwards to regret their neglect. Let us never forget that Great Britain taught us the experiment of building a 100 gun ship on Lake Ontario, when not a man in the Government could be prevailed upon to believe it. When it could no longer be doubted, then it could never get out of Kingston harbor; and when this was effected, then such a ship would be too unwieldy for the lake; could not be sea-worthy if built in less than two years. But she did sail, and, if not calculated to endure forty years, she might sail very well for Ontario, which was all that was required. Let us take care that she does not catch us slumbering in too confident a reliance on her stupidity in peace, as we did in war. Let us bear in mind the duty on timber, and the Nova Scotia plaster bill, with some other hints. Let not timely admonitions always be as dreams, but considered on their merits. I beg pardon of the House for having trespassed so far beyond my intention. I hope this bill will pass into a law. It provides in part for a system expedient, necessary, suited to this country, and to this time. Of this I hope few will doubt—this, none can disprove by fact or argument. Some, indeed, consider it a violation of the Constitution; I consider a failure to adopt it a more serious violation.

Mr. ROSS, of Pennsylvania, said he would occupy the time, perhaps the attention of the House, but a very few minutes; nor should he have risen, if the gentlemen from Massachusetts and Maryland (Messrs. KING and WRIGHT) had not made uncommon exertions to impress the public, if not the House, with a belief that a vote in favor of the bill under consideration, would be oppressive and injurious to the distressed and laboring poor, who at this moment, it is said, are scarcely able to procure bread for themselves and families. He said he felt, he trusted, as much as any member for the distresses of that useful class of citizens, and would be willing to join in any proper measure, calculated to alleviate their sufferings; but how, or in what way, the rejection of this bill will relieve the poor, or give bread to the needy, he was totally unable to discern. He had heard of no proposition to distribute the bonus and dividends of the bank among the necessitous, nor would they become due in time to relieve the present distress. The internal taxes are not paid by those who labor, and who possess no property. The imposts and duties on the importations of foreign goods, bear hard upon them; they pay a heavy and disproportionate tax for their clothing, their salt, their sugar, and their coffee. But no proposition has been made to reduce the imposts and duties on those articles; on the contrary, the House has been pressed to increase the tax on clothing. If the bill shall pass into a law, it will not injure the poor, but may benefit them, by giving labor to hundreds, perhaps thousands, who are now out of employment; and the gentlemen who profess such generous feelings in favor of the poor and distressed laborer, may find consolation in the reflection that, in every district of the

United States, individual, township, county, or State, wealth will be found equal to the relief of their respective poor, without the interference of the General Government.

The questions, said Mr. R., submitted to the House by the bill and proposed amendments, are perhaps of as great importance as any that ever occupied the attention of the National Legislature. They involve, in their consideration, inquiries of vast moment to the peace and prosperity of the community—such as, where do State rights end? and where do those of the General Government begin? in regulating and promoting the internal improvement and commerce of the country—in the laying out and making of roads; in the cutting of canals; in the clearing of rivers and water-courses, and declaring them public highways. Would not the exercise of such powers, by Congress, without the consent of the States, be found in practice to interfere with State rights? And would not a failure of Congress to exercise those powers, in some instances which might occur, be destructive of the equal rights of the States? The Constitutional question has been abstractedly discussed with considerable ability, but the practical operation of the exercise of such powers, or a refusal to exercise such powers, has not been examined, and therefore, said Mr. R., my mind is not at rest; it vibrates between conflicting opinions and conclusions. On the one side, it might be asked, have Congress the power to clear rivers, prostrate dams, and remove obstructions, erected by the authority of the State? Can Congress make any water-course or public highway, or appropriate it to public use, against the will of the State within whose territory it lies? Could Congress compel the State of Pennsylvania to suffer, unmolested, and without tax or toll, the produce and lumber of the State of New York to pass down the Susquehannah, through Pennsylvania, into Maryland? On the other side, it might be asked, if the State of New York should pass a law prohibiting the vessels of any other State than her own, sailing up the North river to Albany; or the State of Virginia should prohibit by law the vessels of the other States from navigating her rivers; or should the States of Virginia and Ohio prohibit the vessels of the State of Pennsylvania descending the river Ohio to the market of New Orleans, or exact a toll for permission to pass, could Congress constitutionally interfere, and restore the States to the free and uninterrupted right of navigating those rivers? If the answer should be in the affirmative, the next question would be, by what authority? The answer must be, the Constitution has vested in Congress the power to regulate commerce among the several States, and such acts would be calculated to embarrass, impede, or prevent a fair and equal commerce among them.

View the practical operation of the bill and the proposed amendments, and they present doubts and difficulties on every side, which, however, Congress may be obliged at no very distant period to decide; but at present they may be obviated by acting with the consent of the States; and therefore, said Mr. R., I shall vote against the indefinite postponement, in the hope that it may be so modified as to avoid all Constitutional objections to its passage.

It is alleged, that everything that is contemplated by this bill, may be accomplished by an agreement between the States to give that direction and extension to roads and canals, necessary to their completion—and therefore it is unnecessary and inexpedient for Congress to pass any law on the subject. But gentlemen should recollect that the Constitution has expressly said that no State shall, without the consent of Congress, enter into any agreement or compact with another State. The prohibition is general—it is well it is so—otherwise, two or three States might combine to give the commerce of those States a direction so as to promote their combined interests, but ruinous to all the others, and destructive of the best interest of the country. None but great national objects, calculated to promote the good of the whole, and such as could not be accomplished by the means or within the limits of any particular State, should receive the aid of the General Government.

Another objection has been made to acting at all on the subject at this time, because the country has just emerged from an expensive war; is involved in debt; her revenue not more than equal to the fulfilment of her present engagements, and impossible to retrench any of the existing expenditures, except about fifty thousand dollars in the pay of the brevet officers. But, said Mr. R., I would ask the gentleman from Maryland (Mr. SMITH) if it is any more necessary now than during the Revolutionary war that the officers of the Army should be allowed pay for servants? Are there not 680 servants of officers, each receiving 168 dollars per annum? May they not be dispensed with? Will it not save to the country $111,000? May not the Commissioners of the Loan Offices be discharged, and their duties transferred to the National Bank and its branches? And will not it produce a saving of nearly the same amount? May not a retrenchment be made in the Hospital department, and many others? These are questions, said Mr. R., I profess to know very little about; but if I were in the situation of the gentleman from Maryland, and some others, I believe I should be able to suggest many cases in which the Government might retrench the expenditures to a very considerable amount, without any injury, but with great advantage to the community. Mr. R. said he had suggested those inquiries, and given those hints, as in his humble opinion worthy of consideration, and not as arguments for or against the passage of the bill. He must repeat his decided opposition to the motion for the indefinite postponement of the bill, because he thought the object in view of sufficient magnitude to merit the attention of the House. It may finally assume an unexceptionable form, and deserve and receive the approbation of this House and the nation.

Mr. KING again rose. I regret, said he, to ask

again for a moment your indulgence upon this subject. The honorable gentlemen from South Carolina and Pennsylvania (Mr. CALHOUN and Mr. ROSS) suppose that the distresses which I have stated to exist at this time in many parts of our country are confined to the vicinity of the few towns which I named yesterday. For the good of my country I wish it were so; though within that limit they would claim my utmost sympathy. But look at other portions of your country; at that magnificent city, the great emporium of commerce—New York. Count the bankruptcies which there daily take place. The paper received from that city this day contains nearly two hundred recent cases, and many thousand now exist in that State. You find almost the same scene of distress and bankruptcy in every commercial city. Is this a time, then, to squander millions, when thousands of our citizens are destitute of bread—involved in misery and ruin? The gentleman from Pennsylvania asks, how will it benefit the people if we should not pass this bill? I will tell him. It will enable us to take off some of the internal taxes; to ease the people, at least, of taxes to the annual amount of $800,000. I will name to him too, sir, one tax which ought to be immediately repealed. I mean that on retailers. Whatever is laid on them is felt by their customers, and the poor are daily obliged to resort to them for support. But, sir, I have not named to you all the poor of the land. Within this favored District—this magnificent ten miles square—are thousands poor and distressed. We meet with them in every part of it; nay, the very doors and entry of this hall are besieged by them—for though we fare sumptuously every day, there are thousands around us pining in misery and want.

And what are the real objects for which the people and their money are to be sacrificed? We have heard this day, sir—the grand canal from Lake Ontario to the Hudson; to build up the already overgrown State of New York. And what direct interest have the citizens of New Hampshire and Massachusetts, and other remote States, in building up that great and powerful State? Or why will the Representatives of those States tax their constituents for that object? Or for the one, sir, which you mentioned yesterday, of constructing locks and canals round the falls of the Ohio? These are the objects which are to swallow up the most of this appropriation. What you say of a great post road, is a mere tub to the whale. The post roads in New England are now good. If they are not so elsewhere, let those concerned make them so. But the object which appears to dazzle honorable gentlemen most, the military part especially, are the splendid military roads which are contemplated. Well, suppose them made, and all the armories, and arsenals, and military academies, which gentlemen can desire, and the nation stands in complete armor. What next? War! war! is the next cry which will resound within these walls. We have enough ready to "cry havoc, and let slip the dogs of war!" Then—then—we shall enjoy the sublime spectacle of seeing our citizens chained to the chariots of the victor, with his garments rolled in blood!

Is it possible, sir, under all these circumstances, that Congress can appropriate a million and a half of dollars, and the accruing dividends for twenty years, on eleven millions of dollars owned by the United States in the National Bank, for the objects contemplated in this bill? And what are these objects? Some gentlemen talk of a great national post road to be made at the expense of the United States, from Orleans to Moose Island—I ask pardon, sir; Moose Island, at present, belongs to the British—Lubec, I should have said;—others propose noble military roads, in various parts of the country, to facilitate the march of numerous armies, which they wish to be on foot; not recollecting that they will be equally convenient for an invading army: many desire to have constructed with this money grand and extensive canals, connecting the waters of the Lakes with them, which in our country fall into the Atlantic. Is it for these chimerical objects that the people of this country are to be oppressed and burdened with taxes? Are these the purposes for which they formed the Constitution of the United States? No, it cannot be! Sir, the Constitutional question I shall not discuss; it is a sufficient objection to the bill for me, that it is unnecessary, inexpedient, and oppressive. I am not pleased with the manner in which the Constitution of this country has been treated on this and other occasions in this House. One honorable gentleman supposes he could make the provisions of this bill comport with the Constitution, if he could change only a semicolon into a comma. Another, less conscientious, would wish to change a word; and a fourth, more bold, a whole sentence; in which way they could make it mean anything or nothing, as its enemies now pretend it does. We have heard, on a former occasion, a gentleman gravely inform the House, that the true federative principle—the vital spirit of the Constitution, was gone. Another honorable gentleman agreed with him in opinion, and appeared well disposed to follow its corse, as he called it, to its long home. Sir, I solemnly caution gentlemen how they speak thus lightly, thus irreverently of this sacred charter. Yes, sir, sacred charter, notwithstanding the contempt with which some treat it. Let them remember that, from talking against it, the transition is but small to acting against it. When the people shall adopt such sentiments, and lose their reverence and attachment to the Constitution, we may tremble at the consequence. But I believe there is a redeeming, a renovating principle in this country, which shall set at defiance the assaults of the enemies of the Constitution; that redeeming spirit is in the great body of the American people. We have lately felt it. I trust we shall always feel it. And that it will perpetuate the Constitution, and the Republican institutions of our country.

Mr. HARRISON advocated the bill, and Mr. HARDIN spoke in opposition.

About 4 o'clock, the debate not having closed, a motion was made to adjourn, and carried.

FRIDAY, February 7.

Mr. YANCEY, from the Committee of Claims, made a report on the petition of Park Holland, which was read; when Mr. Y. reported a bill for the relief of Park Holland, which was read twice, and ordered to be engrossed and read a third time to-morrow.

Mr. YANCEY also made a report on the petition of George Buckmaster, which was read; when Mr. Y. reported a bill for the relief of George Buckmaster, which was read twice, and committed to the Committee of the Whole on the bill for the relief of Caze and Richaud.

Mr. YANCEY, from the same committee, also made unfavorable reports on the petitions of Archibald McIlvain and of Paul Robinson. The former report was agreed to; the latter, after a good deal of discussion on the merits of the case, was amended, on motion of Mr. LYON, so as to declare that the petition ought to be granted, and then committed to a Committee of the Whole.

Mr. LOWNDES, from the Committee of Ways and Means, reported a bill to increase the compensation of certain collectors of the customs; also a bill making additional appropriations to defray the expense of the army and militia during the late war; also a bill making appropriations for the support of the Military Establishment for the year 1817; which bills were twice read and severally committed.

Mr. HUGH NELSON, from the Committee on the Judiciary, to which had been recommitted the bill authorizing the appointment of circuit judges, reported a bill for the better administration of justice in the Supreme Court, and for the appointment of circuit judges; which was read and committed.

Mr. JOHNSON, of Kentucky, from the Military Committee, reported a bill for the relief of certain officers of the staff of Governor Edwards, of the Illinois Territory; which was twice read and committed.

Mr. LOWNDES, from the Committee of Ways and Means, reported the bill from the Senate for the more prompt settlement of public accounts, with sundry amendments; which were read, and, with the bill, committed to a Committee of the Whole House.

The SPEAKER laid before the House the annual report of the Commissioners of the Sinking Fund, detailing their operations subsequent to their report of the 7th of February, 1816, so far as the same have been completed; which were ordered to lie on the table.

On motion of Mr. HAHN, the Secretary of War was instructed to report to this House the reasons why the militia fines incurred by delinquents, under the late call of the militia into the service of the United States, are not finally collected.

A Message was received yesterday from the President of the United States, recommending to Congress that provision be made by law for payments to the State of Georgia, equal to the amount of Mississippi stock which shall be paid into the Treasury, until the stipulated sum of $1,250,000 shall be completed, &c.; which was referred to Messrs. HALL, THOMAS, WILDE, WILLIAMS, and ATHERTON.

The bill from the Senate, entitled "An act directing the discharge of Lewis Olmsted from imprisonment," was read twice and ordered to be read a third time to-morrow.

The bill from the Senate, entitled "An act providing for the division of certain quarter sections in future sales of public lands," was read the third time and passed.

An engrossed bill, entitled "An act supplementary to an act entitled 'An act concerning the Naval Establishment,'" was read the third time, and passed.

INTERNAL IMPROVEMENT.

The House then resumed the consideration of the bill to set apart and pledge, as a fund for internal improvement, the bonus and United States share of the dividends of the National Bank—Mr. KING's motion to postpone the bill indefinitely being still under consideration.

[In the progress of the bill various amendments were proposed to the first section, and some of them adopted; when Mr. PICKERING moved to strike out the whole of the first section, after the enacting words, and offered a substitute, which was finally adopted. This expressed the objects for which the funds arising from the United States interest in the National Bank should be pledged, to be, "for constructing roads and canals, and improving the navigation of water-courses, in order to facilitate, promote, and give security to internal commerce among the several States, and to render more easy and less expensive the means and provisions necessary for their common defence." And that the several States might equally share in the advantages to be derived from such an appropriation of those funds, it was further proposed that they should be applied in each State, in the ratio of its representation in the most numerous branch of the National Legislature, for the purposes aforesaid, and in such manner as Congress, with the assent of such State, should by law direct.

In supporting these amendments, and obviating objections, Mr. PICKERING spoke several times in the course of the discussion; and the following is a summary of his observations.]

A gentleman from Kentucky (Mr. HARDIN) had said the bill, as amended, was deceptious. If, said Mr. PICKERING, plainly to describe the funds to be applied in this case, and explicitly to state the objects on which they should be expended, were deceptious, then the gentleman's charge was just.

The parts of the Constitution to which Mr. P. had more than once had occasion to refer, as the grounds on which his support of the bill rested, were those which gave to Congress the power "to regulate commerce with foreign nations, and among the several States," and "to provide for the common defence." The regulation of commerce with foreign nations, comprehends all the measures requisite to secure to the United States

their due share in its benefits; to divert its streams, arising from their own productions, from foreign channels, and to turn them into their own, for the profit of the citizens of the United States. This advantage would be immense, in relation to the vast and rapidly increasing products of the States bordering on the Lakes and their water communications; which products, without good roads and canals, will descend the St. Lawrence, instead of proceeding to the Atlantic States.

As incidents to the commerce with foreign nations, and so far as it takes place by sea, among the several States, in the coasting trade, light-houses, beacons, and piers, have been erected, because necessary for the security of that commerce. But this necessity is of the moral kind—highly useful—the means of preserving property and lives, and not absolute, or one without which that commerce could not exist: for we know, said he, that American commerce, coeval with the settlement of the country, was long carried on without light-houses, beacons, or piers; and even so late as the commencement of our Revolution, not more than four or five light-houses are recollected to have been erected. Their multiplication, and the construction of public piers, are the work of the Government under the present Constitution; and was it ever said or thought by any one that these acts of our Government, from the beginning of WASHINGTON'S Administration to this day, were violations of the Constitution? It has, indeed, been said that the last clause but one, in the eighth section of the first article, expressly mentions "the erection of forts, magazines, arsenals, dock-yards, and other needful buildings;" but, whoever will examine that clause, will perceive that it does not give Congress any power to erect those works, but simply to exercise exclusive legislation over the places where they are erected; such place having been previously purchased with the consent of the States in which the same shall be. The power to erect such works and buildings is no where expressed in the Constitution. It is then an implied power, whose existence is recognised by the Constitution itself. But, where can it be found, unless it be involved in the express powers to regulate commerce, and to provide for the common defence? Without navigation, without commerce, by sea, we should need no light-houses, beacons, or piers.

If, then, it was Constitutional to erect the works which have been mentioned, to give facility, safety, and expedition to commerce by sea, will any one deny the Constitutional power of Congress to erect similar works on our interior waters—on the great Lakes? A proposition is now on our tables to erect a light-house at Presque Isle, on Lake Erie, for the same useful purpose as the light-houses erected on the seacoast. But what entitles the citizens on the borders of the Lakes to peculiar and exclusive advantages in transporting their products to market? Common water transportation is cheap, and it is more so when, by means of light-houses, beacons, and piers, it is expedited, and rendered more safe. And every one knows how much cheaper and safer, and more expeditious, is land transportation over good roads than over bad ones. Why then should the inland inhabitants be denied advantages which none hesitate to grant to the borderers on the great waters? Commerce is the exchange of commodities, and is necessary to be carried on by land, as well as by water; and where canals shall be added to good roads, the facilities and cheapness of interior commerce among the several States will be proportionably increased.

For the common defence, troops and all the munitions of war are provided. Good roads and canals would at all times render their movements and transportation more cheap, expeditious, and safe. In time of war, these accommodations would be of the utmost moment. It has been admitted that at that time it would be constitutionally right to make good roads for the passage of troops and the transportation of artillery, stores and provisions; because most materially contributing to the necessary means of defence. Is it not then equally right and proper to anticipate the utility and necessity of such works as good roads and canals, in time of peace, when alone it is practicable to make them?

Another benefit to result from good roads may be mentioned, though not so important as the last; that is, the greater safety and expedition with which the mail would be carried on the great lines of communication through all the States.

It has been objected that the distribution of the avails of the proposed fund among the several States, to be applied in constructing roads and canals, in such manner as Congress with the assent of the several States shall direct, would give rise to long and injurious contests. But if, instead of the proposed application of the fund, the whole were left at the sole disposition of Congress, similar contests must arise; from the diversity of opinions and interests among members, which will never fail to exist. That any State will withhold its assent, and thus lose the immense advantages of such improved channels of communication, is to the last degree improbable. Such only, it is to be presumed, will be projected by Congress, as, while they benefit the whole Union, will be peculiarly advantageous to the individual States through which they shall run. When Mr. P. had concluded—

The debate was continued on the expediency and constitutionality of the bill; in which Messrs. SHEFFEY, CALHOUN, THOS. WILSON, and YATES, spoke in support, and Mr. WRIGHT and Mr. KING, in opposition to the bill. Mr. ROSS also, without at present fully advocating the bill, spoke against its indefinite postponement.

Mr. WRIGHT addressed the Chair as follows:

Sir: I hope this House will take a view of the present situation of the American people, from their short crops, and the present state of their taxes, from two glorious wars, before they subscribe to the application of the moneys arising to

the United States from the National Bank, just now established, amounting, for the bonus, to one million and a half of dollars, to be paid in three equal annual payments, and to their share of the interest arising to the nation, estimated at the sum of six hundred thousand dollars per year, for twenty years, and that, too, for a distant object—the making roads and canals. And, sir, although I shall readily admit the great advantage that will be derived from roads and canals, to the United States, in facilitating the transportation of the productions, the property and persons of the agriculturist, the merchant, and the manufacturer, yet I cannot, at this time, consent to pledge the *faith* of this nation to the application of this bonus, and the interest arising for twenty years from this bank, when I know that it must lead this House to the further violation of their faith, pledged to the American people in the numerous tax bills passed during the war, and to secure its prosecution; by which it was expressly enacted, "that the taxes should continue for and during the war, and to the end of one year thereafter, and no longer." Thus, sir, we pledged our constituents to the Government, that these taxes should continue for and during the war, and to the end of one year thereafter; and in the same acts we pledged ourselves, as a Congress, to our constituents, that those taxes should continue no longer than to the end of one year after the termination of the war. This double pledge to the Government and to the people, had the double object of securing the confidence of the Government in the necessary permanence of the taxes for the prosecution of the war to its conclusion, and, by its continuance one year thereafter, to cover all contingent expenses, and of assuring the people that these taxes should continue no longer than to the end of one year after the termination of the war. You will all do me the justice to admit my zeal for the fulfilment of this pledge to the people at the last session, and the ardent manner that I have pressed it upon this House, "that an individual thus pledging himself, and thus violating his faith, would stand a living monument of his own disgrace;" and that I could not discriminate between an individual and this House. Sir, if this House could shield itself from the violation of its faith by the honest necessity of the case, it could no longer use that shield than that necessity existed. And will any man say that this bonus, and that the interest of this bank could not as well be applied to the relieving of the people from so much of their taxes as would be paid by the application of this bonus and the interest of this bank, arising to the United States, contemplated, by this bill, to be applied to the roads and canals, and thus far heal the violated faith of this House to the American people? Sir, the violation of the faith of the nation to the people, by not relieving them as soon as possible from these taxes, will inflict a wound on the honor of the National Legislature that will not easily be healed, and may lead, by the precedent it sets, to the repeal of the very law now contemplated to be passed, to transfer the nation's right to the bonus, and its share of the interest arising from the National Bank. Besides, sir, would it be decent for this Congress to dispose of the bonus, none of which is payable in their time, and of the interest of this bank for twenty years to come, when the people have given them a *broad hint* that they had lost their confidence, it being conjectured that not more than one-fourth of this Congress will have a seat in the next? Indeed, sir, it appears to me as the Legislative political last will and testament of the House upon their death bed, laboring under a paroxysm of the disease that brought them to their end. For you may rest assured, sir, that nothing so injured the political standing of this House with the American people, as their refusing to redeem the pledge they had given, that the taxes should continue "no longer" than to the end of one year after the termination of the war.

Sir, I have been frequently hailed by my constituents as the guardian of their rights, for my conduct in this respect, and my solicitude to relieve them from their taxes at the close of an expensive, though a short and glorious war, agreeably to this pledge. This act will be so considered by the people, and our successors will not be pleased with our undertaking to dispose of the bonus and the interest of the bank for twenty years, no part of which will be applicable to any legislative purpose during the time of the Fourteenth Congress. Sir, I have thus shown you my impressions of the inexpediency of the application of this fund to these objects, at this time, when it must further protract the relief from the taxes, which in good faith ought to have been discontinued at the end of one year after the war. But, sir, I am opposed to this House's application of this sum to such purposes, as I conceive they are not authorized by the Constitution to apply them—they have no right to cut roads; this is left with the States. But if the money proposed to be applied to those objects, could be conveniently spared, and without violating the faith of the nation, or violating the Constitution, I should be opposed to this bill, by which, Congress shall have the power to apply such a sum to roads and canals, at their will and pleasure. We know the small States have little influence on this floor, and I am sure the State that honors me with a seat here will get but little benefit from it; but sir, if the bill secured us in a just distributive share, I ask, would it be just that the old States, who have on their own account expended countless millions on their public roads, and already have all they want, should now be taxed to cut roads in the new States, who have scarcely any roads? Can it be right thus to apply a common fund, when the new States only will be benefitted by it? Besides, in the new States, road funds have already been supplied, by the application of a certain portion of the proceeds of the sales of the lands in the said States. But we are told of the benefit to Maryland, from the cross-cut canal between the Delaware and Chesapeake bays—but suppose Maryland had her share of this fund applied to that object, it would yield for the bonus

twenty-five thousand dollars a year for three years and the sum of thirty thousand dollars per year for twenty years, and to Delaware two-ninths of that sum. Sir, this would be such a pittance in the completion of so all-important a work, and so slow in its products, that it would have a deleterious if not a paralytic effect upon this great object, and never can be respected as promoting it. But we cannot suffer ourselves to be deceived by those suggestions, while we recollect the case of that canal, and conduct of this House upon the occasion—a case that came before us under the most imposing circumstances. A private company had commenced the canal, and from a confidence in its practicability, and vast utility, had proceeded to demarcate the route, and had purchased the property, and had made considerable progress in the work; but finding the expense would exceed the means, the private adventurers that had embarked in it, from its great consequence to the agricultural and commercial interest, and its consequent profit to the stockholders, applied to the Legislatures of Pennsylvania, Maryland, and Delaware, who all subscribed liberally for the stock, but, from a deficiency still, they applied to Congress also to take a certain portion of the stock so as to enable them to complete the work, and a bill passed the Senate for that purpose, where Maryland and Delaware were equally represented, but it was defeated in this House by the opposition of a gentleman from the then largest State, who spoke with a score of tongues; which vote, had the yeas and nays been taken, would have shown how little respect was paid to the advice of our WASHINGTON, against geographical distinctions, there being scarcely a vote for it to the southward and westward of the Potomac. And, sir, I regret that our legislative proceedings do not wear a better aspect, but rather a more Southern and Western ascension, and a more Northern and Eastern declension. Sir, we have been told by the highest authority, that our Constitution was a measure of compromise, and every day's experience proves that our legislation is in the spirit of that instrument, and the legislative acts the legitimate branches of that stock. Sir, the amount of the sum to the respective States, if distributed in the ratio of their representation, would be but a bagatelle to effect the important object of canals, and could not be felt in their completion. Sir, the Chesapeake and Delaware Canal, which is so important to the United States, and in the centre of the Union, and had been so far progressed in, I had fondly hoped, would at this session of Congress have received the fostering hand of Government; but this bill has defeated that hope, and placed this canal far in the back ground. And, sir, although Pennsylvania, Maryland, and Delaware, by the Constitutional compromise, have given up so much to the Union, by the impost and tonnage arising in their ports, yielding so great a portion of the revenue to the United States; and although they are so deeply interested in this canal, which has been so liberally patronized by the citizens of these States, and by their respective Legislatures—and although the citizens of these States will pay so great a portion of the bonus, being so largely stockholders, and so great a portion of the interest of this bank by their extensive commercial use of it—yet the funds of this bank are to be dilapidated on roads, which they already have; that I fear as to that important object to the States of Pennsylvania, Maryland, and Delaware, the Chesapeake and Delaware Canal, notwithstanding their liberal contribution to its stock, and their solicitude from its utility, that their hopes for its completion will be lost in expectation and buried in disappointment.

The question was (about 4 o'clock) taken on postponing the bill indefinitely—tantamount to a rejection—and decided in the negative—yeas 74, nays 86, as follows:

YEAS—Messrs. Adams, Archer, Atherton, Barbour, Bassett, Baylies, Bennett, Boss, Bradbury, Brown, Bryan, Burwell, Champion, Cilley, Clarke of North Carolina, Clayton, Cook, Cooper, Crawford, Davenport, Desha, Dickens, Edwards, Forney, Goldsborough, Goodwyn, Hale, Hardin, Hawes, Henderson, Hooks, Hungerford, Jewett, Johnson of Virginia, King, Langdon, Law, Lyon, William Maclay, Mason, McCoy, McLean, Miller, Mills, Hugh Nelson, Thomas M. Nelson, Noyes, Parris, Piper, Pitkin, Pleasants, Reed, Rice, Roane, Robertson, Root, Ruggles, Smith of Maryland, Southard, Stearns, Strong, Sturges, Taggart, Tallmadge, Taul, Tyler, Vose, Ward of Massachusetts, Ward of New York, Ward of New Jersey, Wilcox, Williams, Woodward, and Wright.

NAYS—Messrs, Adgate, Alexander, Baer, Baker, Bateman, Betts, Birdsall, Birdseye, Breckenridge, Brooks, Cady, Caldwell, Calhoun, Chappell, Clark of New York, Clendennin, Condict, Creighton, Crocheron, Culpeper, Darlington, Fletcher, Forsyth, Gaston, Gold, Griffin, Grosvenor, Hahn, Hall, Hammond, Harrison, Heister, Huger, Hulbert, Ingham, Irving of New York, Jackson, Johnson of Kentucky, Kent, Kerr of Virginia, Kilbourn, Lewis, Little, Love, Lovett, Lowndes, Lumpkin, Lyle, William P. Maclay, Marsh, McKee, Middleton, Milnor, Moffitt, Moore, Moseley, Murfree, J. Nelson, Newton, Ormsby, Peter, Pickens, Pickering, Powell, Randolph, Ross, Savage, Schenck, Sharp, Sheffey, Smith of Pennsylvania, Smith of Virginia, Taylor of New York, Taylor of South Carolina, Telfair, Thomas, Townsend, Wallace, Wendover, Whiteside, Wilde, Wilkin, Willoughby, Thomas Wilson, William Wilson, Yancey, and Yates.

The question then recurred on Mr. CALHOUN'S motion to amend Mr. PICKERING'S amendment, by striking therefrom the words "with the consent of the State," and lost by a large majority.

Mr. PICKERING'S amendment was then agreed to without a division.

Mr. KILBOURN moved further to amend the bill, by adding thereto the following section:

SEC. 5. *And be it further enacted*, That when it shall be the wish of any State that a part of its share in the funds set apart and appropriated by this act, shall be applied to the purposes intended by this act within the limits of any other State or States, and shall manifest the same to Congress by a resolution of the Legislature thereof, it may and shall be lawful for Congress to provide for and direct the application of such sum, in such manner as they shall think

proper, to the specific purposes set forth in such resolution, and none other.

This motion was objected to by Mr. Calhoun, only because he believed the bill already contained, by a fair construction, the power proposed by the amendment.

The motion was negatived without a division, and after having previously rejected several motions to adjourn, the bill was ordered to be engrossed for a third reading; and the House adjourned.

Saturday, February 8.

Mr. Newton, from the Committee of Commerce and Manufactures, to which was referred the petition of Henry Lee, made a report thereon, which was read; when Mr. N. reported a bill for the relief of the said Henry Lee; which was read twice, and committed to a Committee of the Whole.

Mr. Lowndes, from the Committee of Ways and Means, reported a bill, authorizing the Secretary of the Treasury to cause payment to be made of certain alien duties; which was read twice, and committed to the Committee of the Whole, on the bill to authorize the Secretary of the Treasury to remit certain duties.

On motion of Mr. Chappell, the Committee on Pensions and Revolutionary Claims, were instructed to inquire into the propriety of altering the present mode of paying invalid pensions, so far as it regards those pensions which have not been demanded within a reasonable time.

On motion of Mr. Johnson, of Kentucky, the Committee on the Judiciary were instructed to inquire into the expediency of authorizing the Secretary of State to publish the laws of the United States, in any number of papers he may deem proper, not exceeding six in each State.

On motion of Mr. Goldsborough, the Committee of Ways and Means were instructed to inquire into the expediency of modifying the law passed on the 15th day of December, 1814, entitled "An act to provide additional revenues for defraying the expenses of Government and maintaining the public credit, by duties on carriages and the harness used therefor," so as to provide for the annual valuation of carriages liable to the duty or tax imposed by the said law.

Mr. Atherton submitted the following resolution, which was read and ordered to lie on the table:

Resolved, That the following be adopted as an addition to the standing rules of the House:

It shall be the duty of the Committee on Public Expenditures to examine whether any offices, under the laws of the United States, have become useless or unnecessary, and to report from time to time on the expediency of modifying or abolishing the same; also to examine into the pay and emoluments of all officers under the laws of the United States, and to report from time to time such a reduction or increase thereof as a just economy and the public service may require.

The following resolution was submitted by Mr. Dickens:

Resolved, That the Committee of Ways and Means be instructed to report a bill to repeal so much of the acts now in force as lay a duty on salt.

The question was taken, Will the House now consider this resolution? and it was determined in the negative.

The bill from the Senate, entitled "An act directing the discharge of Oliver Olmsted from imprisonment," was read the third time and passed.

An engrossed bill, entitled "An act for the relief of Park Holland," was read the third time and passed.

PETITION OF NOAH MILLER.

Mr. Parris, from the committee appointed on the petition of Noah Miller, made a report, which was read; when Mr. P. reported a bill for the relief of the said Noah Miller, which was read twice and committed to a Committee of the Whole. The report is as follows:

That, on the 19th of April, 1815, the petitioner was inspector of the port of Penobscot, in the State of Massachusetts; that, on the said 19th of April, in the execution of the duties of his said office, the petitioner seized a quantity of beef belonging to one Daniel Whittier, who was in the act of conveying the same in a boat to Castine, then invested by a British fleet and army in hostility to the United States; and that, in consequence of such seizure, the petitioner received from said Whittier a severe wound in his right hand by a large knife, aimed at his body, by reason of which wound the petitioner has lost the use of said hand; that Whittier has been convicted of the offence before the supreme judicial court of the State of Massachusetts, and punished by imprisonment; but in consequence of his poverty was, by order of court, discharged from prison, in which, after the expiration of the term for which he was sentenced, he had been detained several months for the payment of the costs of prosecution.

The evidence adduced to the committee proves that the petitioner discharged the duties of the office of inspector at a time of great hazard, when it was difficult to obtain any other person to enter upon them; that he was faithful and persevering, even at the risk of his personal safety; and in consequence of his activity, as appears by a certificate from the collector, the smuggling of provisions to the relief of the enemy at Castine was interrupted.

The committee, believing that those persons who are unfortunately disabled in enforcing the revenue laws are entitled to relief equally with those who are disabled in the military service, and that sound policy requires that every reasonable inducement should be offered to insure a faithful execution of those laws, have reported a bill for the relief of the petitioner.

REPORT ON ROADS AND CANALS.

Mr. Thomas Wilson, from the committee appointed on that part of the President's Message which relates to the subject of roads and canals, made a detailed report; which was committed to a Committee of the Whole. It is as follows:

The committee to whom was referred, on the 4th of December last, so much of the Message of the President of the United States, as relates to roads and canals, report, in part:

That, upon mature deliberation, the facility of com-

mercial and personal intercourse throughout the whole extent of the United States and its Territories is viewed by the committee, as it appears to have been viewed by former committees of both branches of the National Legislature, and by every Executive of the Government since its formation, as an essential ingredient in the general economy of the nation, as well in relation to the pursuits of peace as to those of war, and also to the perpetuation and integrity of the Republican Union.

That the interior waters of the United States, coextensive with its territory, furnish the ample and the only effectual means of such facility. Without inland navigation an interior commerce, in a large portion of the most necessary articles, would be not merely convenient, but wholly impracticable, between sections remote from each other. Those which were destitute must remain so; and where there was abundance it would be of little value. In such a state, of all the rich bounties of nature distributed over our expanded country, ever varying in their nature and uses with our varied soils, climates, and pursuits, a scanty portion only could be appropriated to the subsistence and comfort of civilized man. Invaluable, then, are those interior waters which, even in their natural state, afford a facility of transportation of the necessaries of life which no other known means could effect. But, although these waters are thus essentially requisite and extensively useful in their original state, their usefulness would be infinitely increased by improving and uniting their channels.

The great topographical features of our country are its great extent of territory, and variety of soil, climate, and production, which demonstrate the necessity on the one hand, and the number, positions, and magnitude of its bays, lakes, and rivers, which happily, on the other hand, demonstrate the practicability of an internal navigation throughout all its parts.

So magnificent and admirably arranged are these waters, that two great channels are nearly completed by nature the whole way between the extremes of the Union—the one passing through its centre three thousand miles, the other, on its margin, two thousand miles. Large and numerous rivers, communicating with each other from a common intermediate source, form natural canals from the one to the other, interrupted only by the main ridge of mountains from which they descend in opposite directions, and over which artificial roads of the best construction are known to be practicable, so as to unite with the opposite navigations within distances varying from fifty to one hundred miles. Thus the great chain called the Appalachian mountains, which once was considered as an impassable barrier and partition between the eastern and western interests, may in effect be removed; or, rather, it may be made effectually to assist that intercourse which it has seemed permanently to interrupt. The large and numerous rivers and lakes communicating with the great central channel on the North and West, together with those already noticed, which cut opposite sides of the mountains, traverse the whole continent, conducting all its waters, as they seem destined in future to convey its innumerable productions into two great channels which unite with the navigable waters of the Atlantic ocean at their two extremes, and one of them at numerous intermediate points, forming in the whole more than ten thousand miles of inland navigation, the free use of which requires only the purchase at a moderate price in labor.

The importance of this object to the United States as a community is so evident, that to ascertain its practicability, would seem sufficiently to recommend it to the attention of the National Government. The best evidence of its practicability is that already adduced—the positions and magnitude of the interior waters. These are circumstances of notorious importance, the evidence of which cannot be questioned; but it may be proper, in corroboration, also to notice that resulting from an official document of high authority.

It will be recollected that, in April, 1808, an elaborate report, prepared in obedience to a resolution of the Senate of the preceding year, was made by the then Secretary of the Treasury, in which were embraced all the outlines, together with much detail of a general system of national improvement. The sum of $20,000,000 was deemed sufficient to effect the works necessary to confer on the people of every section of the United States all the advantages of good roads and canals, of which the country is susceptible. The annual application of $2,000,000 would effect this great object in ten years, and which (it was added) could be conveniently supplied from the existing revenues of the United States, leaving a sufficient surplus, in addition to the sum required for the permanent Peace Establishment and national debt, in the same period of ten years, to arm every man in the United States, to erect as many fortifications and batteries as could be manned, and, if thought eligible, to build a navy. The subject was treated in that report as one of primary national importance, conducive to the general welfare, in enhancing the value of lands, promoting useful commerce, binding the Union together by a community of interests, and constituting an important branch of the public defence. This official report of 1808 attracted much attention, and the subject-matter of it has appeared to receive the decided approbation of the citizens of the United States ever since. The execution of this plan would probably have been commenced long before this time, had not extraordinary difficulties in our foreign relations, and consequent war with Great Britain, intervened. Since the termination of the war, the necessary attention of the Government to other objects sufficiently accounts for the continued suspension of the plan of improvement recommended at that time. But these causes of suspension having now ceased, it may reasonably be expected again to attract a due share of the public attention.

A state of tranquillity has been happily restored under circumstances favoring its continuance for many years. The pursuits of peace in the United States have been resumed with renovated vigor. Great political changes in Europe have affected, and may continue materially to affect, our foreign commerce. The experience of the late war has served to develop the importance of internal transportation; and the resources of the United States are undoubtedly more ample than they were in 1808. At that time the average annual revenue was about $14,000,000. At this time, from various causes, it is increased to an average of $25,000,000. These circumstances seem peculiarly to recommend at this time such a system of general improvement as would accelerate the advancement and secure permanently the internal commerce of the United States. Two important considerations particularly recommend the subject of internal navigation to the early attention of Government—the rivalship of a foreign State in the trade and commerce of our interior possessions, and the lively interest evinced in various parts of the Uni

ted States in the improvement of our facilities of intercourse.

That portion of our territory bordering upon Lake Champlain, the St. Lawrence, and great lakes, and to which these waters are the natural outlets, is moderately estimated at sixty millions of acres. Much of this is already populous, and the remainder is becoming so with surprising rapidity. Until other routes shall be greatly improved, all the productions of this extensive district must be drawn to the British ports of Lower Canada, from whence, also, the merchandise, the arms, and the influence of Great Britain are conveyed with unrivalled celerity to the recesses of all the northwestern Indian tribes within our limits. Such an intercourse can scarcely fail to engender in those numerous hordes unfriendly dispositions towards the citizens and Government of the United States in time of peace, and, in war, to array them against us in a force formidable in a degree beyond that of their specific number and strength. The whole commerce of that extensive region, as well of the present and future white population as the trade of the Indian tribes, can be advantageously turned to the posts and possessions of the United States only by an improved inland navigation.

The solicitude on the subject of internal improvements generally, which is felt in various parts of the United States at this time, is indicated in a manner not to be mistaken, and promises an effective co-operation with the National Government in any measure which it may approve and adopt for promoting them.

The perseverance of the citizens and State of New York in their efforts to ascertain the most eligible route and means for opening a navigable canal from the tide water in the North or Hudson river to Lake Erie is a pledge that their wealth and enterprise would contribute largely towards that great object. The local enterprise which has long since organized itself in companies, under State authorities, formed their plans, and progressed considerably in the execution of canals through the necks of land, respectively, which alone obstruct the inland navigation from Boston to St. Mary's, is again directed to these objects. In addition to these several works, there is wanting only a short canal from Lake Erie to some of the navigable waters which empty into the Ohio, some inconsiderable improvements in the bed of such waters, and a lockage or other improvements at the falls of Louisville, to complete the two great channels already mentioned. In all these works, although the nation has a paramount interest in their completion, there are good reasons to believe that individual or local enterprise would contribute a full half or more of the expense.

There are equal or still stronger reasons to believe that individual and local enterprise would, with alacrity, share equally at least with the United States in improving the navigation of such correspondent Atlantic and Western rivers as are best adapted for a connexion by portage roads across the mountains, in the construction of such roads, and of such other great leading road or roads as shall be established or approved by the National Government. The great progress already made without the aid of this Government in the construction and extension of permanent roads, as well in Virginia and Maryland as in Pennsylvania, New Jersey, New York, and all the more Eastern States, is conclusive evidence of a disposition in most or all of the States to promote these objects. In the State of New York, a great turnpike road has been for some time completed almost to Lake Erie, and, in Pennsylvania, the Herculean task of extending a turnpike road of the best construction the whole way from Philadelphia to Pittsburg has been boldly undertaken, and is in a rapid progress of execution. In both these States a great variety of other turnpikes have been long in great perfection, and new ones are annually added. The latter State has, moreover, a great number of bridges, probably among the largest in the world, and founded in solid masonry; and it has also made provision by law for the liberal encouragement of a great work in its neighboring States of Maryland and Delaware.

The foregoing indications, as well as many other considerations, seem fully to authorize the confident reliance upon individual exertion for a full half or more of the resources requisite for the completion of every improvement of national importance in the United States which its Government shall take measures suitably to encourage. The whole expense, by the official report of 1808, already noticed, of a general system of roads and inland navigation, has been, it appears, carefully estimated at $20,000,000. On the assumption that one-half would be contributed by individual and local exertion, $10,000,000 in addition, applied on the part of the United States, would be a sum fully sufficient. These views present another consideration of great weight, that is, the magnitude of the object compared with the expense required to effect it. The object proposed is the facility of intercourse by means of more than ten thousand miles of internal navigation, and more than two thousand miles of permanent roads, besides those already completed in the several States, and such temporary roads through the more unimproved territories as might serve for travelling and for transporting the mails.

The expense to the United States, taken at $10,000,000, supposing $7,000,000 applied to the canals and $3,000,000 to the roads, if an actual expenditure, would be only $700 per mile for the canals, and $1,500 per mile for the two thousand miles of permanent roads; but when it is considered that these sums may not be, strictly speaking, expended, but merely invested by subscription in canal and road stocks, which would ultimately rise to par value, the contrast between the magnitude of the object and that of the capital employed becomes still more strikingly obvious. Nor will these views of the subject appear exaggerated, if we recur to the extent of the navigation proposed to be opened, and consider that most of it would be well adapted for steam vessels; and that the recent origin, the present state, and probable improvement of these cannot, if successful, fail to give to all large rivers, bays, and lakes in the United States, in an improved state, all the advantages of navigable canals of the best artificial construction. In Great Britain more than $100,000,000 has been laid out in constructing about one thousand miles of canal navigation, (that of rivers being little used,) and it is considered of great national advantage. How much stronger are the inducements in the United States to employ a tenth part of that sum in effecting an object of ten times the magnitude?

The committee might enumerate various other considerations in detail, but it is not deemed necessary to do so, since they will be comprised in the general importance of inland navigation and intercourse in the United States, which will now be briefly considered. Internal intercourse is dependent upon internal navi-

gation in a greater or less degree, according to the extent of territory. In the United States, therefore, it must, as has been assumed, depend essentially upon this mean; consequently, the subject must, in the United States, possess a degree of importance unknown in other countries in a political point of view, and must be considered with reference to this principle in connexion with every other advantage to be derived from it.

The general importance of internal navigation is so universally admitted, that any attempt further to illustrate it would seem superfluous, were it not for the fact that it is an object heretofore neglected by the Government of the United States—a circumstance that can hardly be accounted for on any other rational principle than that its intrinsic importance has been somehow overlooked, or hidden in the mass of other concerns, or its advantages been viewed at too remote a distance to induce present activity. From these considerations a few observations are submitted, in which the chief difficulty is, that the case seems too clear to admit of additional proof short of actual consummation. Some will always be found who will call everything theory which is not actually accomplished in practice and in their own possession. Some twenty years ago there was not a turnpike road in the United States. The one between Philadelphia and Lancaster was then called a theory: there are now in the United States some thousand miles of such road; they have become familiar, and we experience little surprise that individuals, in a single State, undertake fearlessly to extend them over the greatest mountains on the Continent. The building of a ship and navigating the ocean has become familiar in the same manner; it is no longer a subject of wonder. But the time probably has been when the simplest raft was the only navigating vehicle; with this man was content until necessity discovered, and experience improved, the use of instruments. Is it not remarkable that, in our present advanced state of civilization and science, man is still little inclined to profit by his reason and intelligence, but disposed always to await the mandate of necessity? Why should an inland navigation be any more a theory than a turnpike road, or the building of a house? Merely because we are more familiar with the latter than with the former. But in Europe a canal navigation is as familiarly known to experience as a ship, a house, or a turnpike; and we have the means of profiting by all the experience of Europe, with the materials and inducements which no country of Europe possesses. They will soon become familiar to us, as turnpike roads have become, if we can only be prevailed upon to attempt them in earnest.

If sea vessels entering the harbors of Boston and New York, respectively, could continue their voyages inland, without interruption, from the former to St. Mary's, in Georgia, from the latter to Lake Erie, and thence to New Orleans, would there remain a doubt of the advantages of such an inland navigation? Would there be found in the United States a single voice to oppose the purchase, if they were to be obtained for 10, or even $20,000,000? Yet such and greater advantages are clearly within our reach for $10,000,000, if that sum can be so applied as to insure the completion of the system of improvement by roads and canals to which the natural advantages of this country invite our attention. A steam navigation would be rendered practicable, not only between the distant points just mentioned, but in all our bays, lakes, and largest rivers—a navigation decidedly superior to that of sea vessels in all narrow channels, as may be inferred, not only from the nature of things, but from the important fact that, while yet in its infancy, it has in a great measure supplanted the long-established use of sea vessels in most of the bays and large rivers of the United States. A detail of the advantages of such a navigation to the United States as a community will not be attempted, because an enumeration and estimate of them is impracticable. A few of the most immediate and prominent effects of a well-digested system of improvement, calculated to insure them to our country, will be merely noticed, leaving every mind to imagine (for imagination can hardly exaggerate) their multiplicity and importance.

1st. No sooner will the National Government have fairly commenced the system, than a general confidence in its completion will be inspired. Its benefits will be felt, in anticipation, in the value of lands, in an increased activity, in the general prosperity, and, consequently, in the revenues of the United States. These, in an average of ten years, will have been increased beyond what they would have otherwise produced by an amount greater than that of the whole sum which will have been expended or employed in the requisite works.

2d. Its operation will tend to perpetuate the Republic and the Union by an indissoluble community of interests, habits, and attachments; to give celerity of movement, and consequent efficiency, to the military force, as well as an easy exchange and distribution of the necessaries of life, whenever the country may be again visited by the calamities of war.

3d. In times of peace or war, it will give a due value to every production of land and labor, whether of agriculture, minerals, forests, fisheries, or mechanic arts; promote, by the certainty of reward, every well-directed branch of domestic industry, the diffusion of science and of morals, the happiness and comfort of the whole community, by the facility of personal and social as well as commercial intercourse.

4th. It cannot fail to add a new and magnified importance to our foreign as well as our domestic commerce, in making it acceptable to all the productions of the most interior parts of this great continent, which productions will continually increase with the population and progress of improvement.

5th, and finally. It would give a new and more elevated character to the nation, to the Republic, in all its domestic concerns, in all its foreign relations, in the comfort, happiness, and prosperity of its citizens, in the permanence of its free institutions, and in the incalculable amount of its public resources.

The same principles and considerations which serve to direct the attention of the committee, in relation to internal navigation, to such routes as are of peculiar national importance, will also point out those roads which seem to require most immediately the attention of the Federal Government, exclusive of portage roads already noticed.

The routes which seem exclusively to claim public and general attention are—

1st. From Maine to Louisiana, in the general direction of the seacoast and main post road, and passing through all the principal seaports. The expense of a good road upon this route may vary according to the construction adopted.

2d. Another object, next, if not equal in importance, would be the improvement, on a less expensive scale,

of certain portions of roads leading to the principal naval and military depots and posts, and other important points, in the interior and upon the extremes of the Union. The points contemplated are Sackett's Harbor; Erie, in Pennsylvania; Detroit, in the Michigan Territory; St. Louis, in the Missouri Territory, and New Orleans, in Louisiana.

It remains for the committee to recapitulate the objects of national importance comprised in this report, and to suggest such measures as the general object requires, in their opinion, on the part of the National Government.

The principal improvements requisite to afford the advantages of internal navigation and intercourse throughout the United States and its Territories, are—

1st. Canals through four necks of land from Boston harbor to St. Mary's river, making, altogether, ninety-eight miles, besides a short cut or improvement across Cape Fear, and, as a more distant object, a canal communication, if practicable, from the Altamaha and its waters to Mobile, and from thence to the Mississippi.

2d. A canal from the Hudson or North river to Lake Erie; another from that lake to a navigable branch of the Ohio; some improvement in the bed of said branch, and probably in that of parts of the Ohio river; and a lockage or other improvement at the falls of Louisville.

3d. Improvements, by lockage or otherwise, as the case may require, in each of the principal Atlantic and Southern rivers, and in their respectively correspondent Northern and Western waters.

4th. Turnpike or other permanent roads: 1. Across the mountains or intervening lands, where canals are found impracticable, or not advantageous, between the principal Atlantic and Southern rivers, and one or more of their respective branches, at the highest navigable points, and the nearest navigable points on the correspondent Northern and Western waters: 2. A great turnpike or permanent road from North to South, in the general direction of the seacoast and main post route; and, 3. Improvements, on a less expensive scale, from some convenient point on the main road in York State to the principal military and naval posts and stations on the Northern frontier of that State; from some convenient point or points on the Ohio to the principal military and naval stations and posts upon the Northern frontiers of Pennsylvania, Ohio, and Michigan Territory; from Detroit to St. Louis, and from thence to New Orleans.

The measures which appear indispensably requisite, in the first instance, are: 1st. A permanent provision for ascertaining with accuracy the particular route, points, and situations for the best location of the proposed improvements, by procuring draughts or plats, with explicit written descriptions and explanations, from actual surveys and levels, to be taken under the authority of the United States, or otherwise: 2d. To provide the necessary funds for an annual expenditure or application to such improvements, to such amount as may be found advantageous.

With respect to the particular mode in which a portion of the national resources might be most advantageously applied to such objects, that must necessarily vary accordingly to the object and existing circumstances at the time of expenditure, and may be provided for by law from time to time. When any object is purely national, and an expenditure upon it required by the public interest, this would constitute a fit subject for the direct and exclusive application of moneys from the national funds. Such objects, however, are believed to be very rare; so interwoven are the common with the local interests, that the former can hardly be consulted anywhere in relation to internal intercourse without affecting the latter in degrees varying according to circumstances. The necessary existence of this principle seems naturally to recommend the combination of those interests in the same object, under such guards and limitations as may effectually secure the public. The most eligible means to produce this effect are believed to be the establishment of a suitable fund to be invested for accumulation until actually required for its object; and the subscription on account of the United States for portions of the stock of companies incorporated, or which may be incorporated, under State authorities, for constructing such roads and canals, or for effecting such improvements in navigable waters, as shall, upon inspection under the authority of the United States, be approved by the Congress, to be paid out of such fund.

This plan is believed preferable to any other which has occurred to the committee in the essential points of efficiency and economy; to be less liable to any Constitutional doubts, objections, practical difficulties, and at the same time retaining in the National Government a sufficient controlling influence in the selection of the objects of improvement, and over the direction, plan, and construction of the improvement proposed, and in fixing the rates of tolls and charges.

1st. It would be efficient in exciting, encouraging, and calling into activity individual and local enterprise.

2d. It would insure economy, by securing the vigilant guaranty of the same individual and local interest.

3d. Less liable to Constitutional doubts, objections, or practical difficulties, because it would narrow the whole Constitutional question to the single one on which no doubts are known to exist, simply whether the National Government may invest the public money in permanent stocks; and it removes all intricacy and difficulty on the subject of repairs, toll-gates, the collection of tolls, and punishing depredations on the works.

4th. A sufficient controlling influence will be retained in the condition proposed to be prescribed to the subscription, that the proposed undertaking shall first be approved by the Congress.

It may be further remarked, in favor of this mode, that it excludes every idea of erecting in the General Government any improper influence of patronage, which some might apprehend, from the direct application of a large sum of money.

The only desirable object which the mode proposed (of subscription for stock) does not seem to embrace in the fullest extent, is, that of an equalization of the advantages resulting from the application of the national resources to the proposed objects among the several States; but even this desirable object it would approximate more nearly than would a direct application by the National Government.

But if it be deemed necessary and practicable more perfectly to secure this object, a distinct and separate fund should be provided for the purpose, to be distributed among the States as justice may dictate, or according to representation, leaving the former to be employed in the mode proposed. For, if the mode of distribution should be exclusively, or even chiefly, adopted, (and the money given over to the exclusive control and direction of State authorities,) it is evident

that the national interests cannot be exclusively, or even chiefly, consulted; they would be abandoned so far as the subject of internal facilities of intercourse extends to the State Government—a course which, if the objects in question be of national importance, and which it is believed few or none can doubt, would not be justified by the Constitution of the United States.

With the foregoing remarks, and reserving for an additional report such further details as the materials which the committee possess and may be enabled to collect during the remainder of the session, the following resolution is submitted:

Resolved, That the President of the United States be requested to take measures for ascertaining as far as practicable, and report to this House at the next and every subsequent session of Congress, such roads, canals, and improvements in water-courses as are required in a general system of inland navigation and intercourse throughout the extent of the States and the Territories thereof, best adapted to facilitate the intercourse necessary for personal, commercial, and military purposes.

INTERNAL IMPROVEMENT.

The following resolution, with the preamble thereto prefixed, was submitted by Mr. KING:

"Whereas a bill was yesterday ordered by the House of Representatives to be engrossed and read a third time this day, appropriating one million and a half of dollars of the public money, and the United States share of the dividends in the National Bank, for twenty years, on seven millions of dollars, owned by them therein, and on which they are now paying an annual interest of three hundred and fifty thousand dollars, for constructing roads and canals; and whereas it is desirable that some part of the public treasure, drawn from the people of the country, should, particularly in times of general distress, be applied to their relief, and to objects connected with their immediate, best, and highest interest: Therefore,

Resolved, That there shall be appropriated out of any money in the Treasury of the United States, not otherwise appropriated, two millions of dollars, to be apportioned among the several States, Territories, and District of Columbia, in proportion to their free population, at the last enumeration; one million thereof to be immediately applied by the Governors of the several States and Territories, and in the District of Columbia, by the several corporations of Washington, Alexandria, and Georgetown, to the support of the poor, and in aid of the funds of such humane and charitable institutions, as, in the opinion of such Governors and Corporations, may stand most in need thereof; the other million of dollars to be applied by the Legislatures of the several States and Territories, and in the District of Columbia, by the Congress of the United States, to the promotion of education and the advancement of religion and morality; or in aid of the funds of such Bible and Missionary Societies as may be selected. And that the Committee of Ways and Means be instructed to bring in a bill for the above purposes.

The question being put on considering the said resolution, it was decided in the negative, very few rising in its favor.

The engrossed bill to set apart and pledge, as a fund for internal improvement, the bonus and United States share of the dividends of the National Bank, was read the third time, and the question stated, "Shall the bill pass?"

Mr. RANDOLPH rose and spoke nearly three hours in opposition.

Mr. SHEFFEY stated the reasons which would prevent his voting for the bill.

Mr. CALHOUN advocated the bill, and replied to Mr. RANDOLPH and others.

Mr. SMITH, of Maryland, and Mr. WRIGHT, successively renewed their opposition to the bill; and Mr. CALHOUN again spoke in its support.

The question was then taken on the passage of the bill, and decided in the affirmative—yeas 86, nays 84, as follows:

YEAS—Messrs. Adgate, Alexander, Avery, Baker, Bateman, Betts, Birdsall, Birdseye, Breckenridge, Brooks, Cady, Caldwell, Calhoun, Chappell, Clark of New York, Clendennin, Comstock, Condict, Conner, Creighton, Crocheron, Culpeper, Darlington, Findley, Forsyth, Gaston, Glasgow, Gold, Griffin, Grosvenor, Hahn, Hall, Hammond, Harrison, Heister, Hendricks, Hopkinson, Huger, Hulbert, Ingham, Irving of New York, Jackson, Johnson of Kentucky, Kent, Kerr of Virginia, Little, Love, Lovett, Lumpkin, Lyle, William P. Maclay, McKee, Middleton, Milnor, Moffitt, Moore, Murfree, J. Nelson, Newton, Ormsby, Peter, Pickens, Pickering, Powell, Ross, Savage, Schenck, Sharp, Smith of Pennsylvania, Smith of Virginia, Tate, Taylor of New York, Taylor of South Carolina, Telfair, Townsend, Wallace, Webster, Wendover, Whiteside, Wilde, Wilkin, Willoughby, Thomas Wilson, William Wilson, Yancey, and Yates.

NAYS—Messrs. Adams, Archer, Atherton, Baer, Barbour, Bassett, Baylies, Bennett, Blount, Boss, Bradbury, Brown, Bryan, Burwell, Cannon, Carr of Massachusetts, Champion, Cilley, Clarke of North Carolina, Clayton, Cook, Cooper, Crawford, Davenport, Desha, Dickens, Edwards, Fletcher, Goldsborough, Goodwyn, Hale, Hardin, Hawes, Hooks, Hungerford, Irwin of Pennsylvania, Jewett, Johnson of Virginia, King, Langdon, Law, Lowndes, Lyon, William Maclay, Marsh, Mason, McCoy, McLean, Miller, Mills, Hugh Nelson, Thos. M. Nelson, Noyes, Parris, Piper, Pitkin, Pleasants, Randolph, Reed, Rice, Roane, Robertson, Root, Ruggles, Smith of Maryland, Southard, Stearns, Strong, Stuart, Sturges, Taggart, Tallmadge, Taul, Thomas, Tyler, Vose, Ward of Massachusetts, Ward of New York, Ward of New Jersey, Wheaton, Wilcox, Williams, Woodward, and Wright.

So the bill was passed.

MONDAY, February 10.

Mr. HUGH NELSON, from the Committee on the Judiciary, reported a bill more effectually to provide for the punishment of certain crimes against the United States, and for other purposes; which was read twice, and ordered to lie on the table.

Mr. ROBERTSON, from the Committee on the Public Lands, made a report on the petition of Joseph Gillard, which was read; when Mr. R. reported a bill confirming the title of Joseph Gillard; which was read twice, and committed to the Committee of the Whole on the bill to establish additional land offices in the Territory of Missouri.

Mr. ROBERTSON also made a report of the petion of Chew and Relf, which was read; when

Mr. R. reported a bill confirming the title of the Marquis de Maison Rouge; which was read twice, and committed to the Committee of the Whole last mentioned.

Mr. McKee, from the committee appointed on the 24th ultimo, by leave of the House, reported a bill transferring the duties of the Commissioners of Loans to the Bank of the United States, and to abolish the offices of Commissioners of Loans; which was read twice, and committed to the Committee of the Whole, to which is committed the bill from the Senate to provide for the prompt settlement of public accounts.

Mr. McKee, from the same committee, also reported a bill regulating the pay and emoluments of pursers and midshipmen in the Navy, and of the medical staff of the Army, of the United States; which was read twice, and committed to the Committee of the Whole last mentioned.

Mr. Ingham, from the committee appointed on the 23d ultimo, reported a bill to regulate and fix the compensation of clerks and messengers; which was read twice, and committed to the Committee of the Whole last mentioned.

Mr. H. Nelson, from the select committee to whom was referred the memorial of William Tatham, reported a resolution authorizing the purchase, by the Secretary of War, of the papers and charts, &c., of William Tatham. The report and resolution were read, and ordered to lie on the table.

Mr. Pleasants, from the Committee on Naval Affairs, to which was committed the bill from the Senate, entitled "An act to amend and explain 'An act giving pensions to the widows and orphans of persons slain in the public or private armed vessels of the United States,'" reported the same without amendment; and the bill was committed to a Committee of the Whole.

The Committee on Naval Affairs were discharged from a further consideration of the petitions of Elizabeth Matilda Shubrick, Sophia D. Gardner, and Eliza Tarbell; and they were referred to the Committee of the Whole on the bill last mentioned.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act for the relief of Jacint Laval;" and a resolution for the appointment of a joint committee to ascertain and report a mode of examining the votes for President and Vice President of the United States, and for notifying the persons elected of their election; and have, conformably thereto, appointed a committee on their part; in which bill and resolution they ask the concurrence of this House.

The said resolution was read, and concurred in by the House; and Messrs. Jackson, Irving of New York, and Pitkin, were appointed of the committee on the part of the House.

Mr. Pleasants, from the Committee on Naval Affairs, to which was committed the bill from the Senate, entitled "An act to repeal the second section of an act, entitled 'An act concerning the pay of officers, seamen, and marines in the Navy of the United States,'" reported the same without amendment; and the bill was read a third time, and passed.

The Committee on Naval Affairs were discharged from a further consideration of the bill from the Senate, entitled "An act granting a pension to Commodore Richard Taylor;" and the bill was referred to the Committee on Pensions and Revolutionary Claims.

The House proceeded to the consideration of the unfavorable report of the Committee of Commerce and Manufactures, on the petition of Anthony Buck, who prays to be relieved from the payment of an embargo bond, into which, by false representations, Mr. Buck was induced to enter for the captain of an Eastern vessel, and which became forfeited by the misconduct of said captain in violating the embargo. This report gave rise to a long debate, which ended in reversing the report of the Committee on Commerce and Manufactures, and directing the committee to report a bill for the relief of the petitioner.

The bill from the Senate, entitled "An act for the relief of Jacint Laval," was read twice, and committed to the Committee on Military Affairs.

INDEMNITY FOR WAR LOSSES.

The House resolved itself into a Committee of the Whole, to which is committed the bill for the relief of the infirm, disabled, and superannuated, officers and soldiers, and on the several bills committed to the said Committee.

The bill for the relief of certain sufferers during the late war with Great Britain, appropriating the sum of three hundred and forty thousand dollars for the relief of the sufferers on the Niagara frontier, was taken up.

Mr. Archer moved to amend this bill so as to include the case of losses on the shores of the Chesapeake bay. He referred to the cases of the towns of Havre-de-Grace, Georgetown, and Fredericktown, all on the bay shore, in which depredations had been made by the enemy by conflagrating private property; which cases he considered not materially variant in principle from those which came under this bill. Although the sufferers of this character had no legal claim on the Government, they had a claim of justice; and wherever a Government had the ability to pay such claims, it was its duty to satisfy them. The ability of our Government could not now be questioned, since it had lately made liberal appropriations for internal improvement, and objects not of necessity, &c.

This motion gave rise to a debate which continued until the usual hour of adjournment.

Mr. Robertson moved to add to the bill a new section, providing that all other claims in all parts of the United States, depending on the same principle as the claims embraced in this bill, should be settled in the same proportion and in the same manner as the claims already enumerated.

Mr. Forsyth moved to strike out the first section of the bill, and insert, in lieu thereof, a proposition for appropriating a million of dollars for the relief of persons in different parts of the coun-

try, who have suffered losses in consequence of military occupation by the forces of the United States, to be distributed in proportion to the loss sustained by each individual, as compared with the residue of his property, the poorest individual to receive the largest sum in proportion to his loss.

This motion, as well as that of Mr. ROBERTSON, before noticed, were declared not receivable until after Mr. ARCHER'S motion was decided.

Mr. ARCHER'S motion was supported by himself and Mr. WRIGHT, on the general principles on which he introduced it; and was opposed by Messrs. HULBERT, TAYLOR of New York, CLAY, and CALHOUN, not from opposition to the class of claims embraced in the amendment, but on the ground that the claims from the Niagara were peculiar, and had been already sifted and specially examined.

Messrs. ROBERTSON and FORSYTH spoke in favor of general in preference to particular provision on this subject; and Messrs. T. M. NELSON and HARRISON spoke on the military question of the legality, according to the laws of war, of the conflagration of Buffalo, &c., by the enemy.

The Committee rose without deciding any question.

The bill relating to the ransom of American captives of the late war, was reported without amendment; and the Committee had leave to sit again on the remaining bills.

TUESDAY, February 11.

Mr. LOWNDES, from the Committee of Ways and Means, who were instructed by a resolution to inquire into the expediency of repealing so much of the duty on carriages, &c., as imposes a duty on carriages and harness not exceeding in value one hundred dollars, made a report thereon unfavorable thereto; and

Mr. L., from the same committee, made a report on the expediency they were instructed to inquire into, of repealing or modifying the act laying duties on licenses to retailers, adverse thereto.

These reports were ordered to lie on the table.

Mr. NEWTON, from the Committee on Commerce and Manufactures, reported a bill for erecting a light-house on the west chop of Holmes' Hole, in Massachusetts; also, a bill to increase the duty on iron, imported in bars and bolts; and a bill for the relief of Anthony Buck.

Mr. PLEASANTS, from the Committee on Naval Affairs, reported a bill for the relief of Nathaniel Seavey and others.

Which bills were severally read, and committed.

Mr. JACKSON, from the committee yesterday appointed on that subject, reported the following resolution, which was read, considered, and agreed to, by the House:

"*Resolved*, That the two Houses shall assemble in the Chamber of the House of Representatives on Wednesday next, at twelve o'clock: That two persons be appointed tellers, on the part of this House, to make a list of the votes as they shall be delivered. That the result shall be delivered to the President of the Senate, who shall announce the state of the vote, and the persons elected, to the two Houses assembled as aforesaid, which shall be deemed a declaration of the persons elected President and Vice President, and, together with a list of the votes, be entered on the Journal of the two Houses."

Messrs. JACKSON and PITKIN were appointed tellers on the part of this House.

On motion of Mr. JACKSON,

Ordered, That when the members of the Senate appear to-morrow, in the Chamber of this House, the President shall be conducted to the Chair of the Speaker; and that the Clerk of this House inform the Senate of these proceedings.

Mr. WILLIAMS offered the following resolution for consideration:

"*Resolved*, That the Committee of Ways and Means be instructed to inquire into the expediency of repealing so much of the act of Congress passed at the last session, as prohibits distillers who have obtained a license from retailing a less quantity of spirits than one gallon."

The House agreed, ayes 62, noes 60, to consider the resolution; when, after a few remarks by Mr. LOWNDES in opposition, and by Mr. WILLIAMS in support of his motion, the question on adopting the resolution was negatived by a large majority.

On motion of Mr. LANGDON, the Committee of Commerce and Manufactures were instructed to inquire into the expediency of so altering the revenue laws as not to oblige the vessels navigating Lake Champlain, to enter and take a clearance at the custom-houses in the district of Champlain, in the State of New York and the district of Vermont, where goods are to be landed in each district.

On motion of Mr. WILDE, the Committee on the Judiciary were instructed to inquire into the expediency of allowing to the judge of the sixth circuit court of the United States a sum equal to the salary of the judge of the district court of South Carolina, for the term of one year, during which time the said circuit judge was compelled by law to perform the duties of the judge of the said district court.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting the annual statements of the amounts collected under the several acts laying direct taxes, &c., together with the amount of compensation allowed to the officers employed in the collection thereof; and also the compensation received by the principal and assistant assessors; which were ordered to lie on the table.

The bill providing for the reimbursement of moneys paid for the ransom of American captives from the Indians, was ordered to be engrossed, and read a third time.

Mr. HALL, from the committee appointed on the Message from the President of the United States of the 7th instant, relating to the fourth section of the act of Congress, passed on the 31st March,

1814, providing for the indemnification of certain claimants of public land in the Mississippi Territory, made a report thereon, which was read; when Mr. H. reported a bill authorizing the payment of money to the State of Georgia, under the articles of agreement and cession between the United States and that State, which was read, and committed to a Committee of the Whole.

A message from the Senate informed the House that the Senate have agreed to the report, in part, of the joint committee of the two Houses, appointed to ascertain and report a mode for examining the votes for President and Vice President; and have appointed Mr. MACON a teller of votes on their part.

COLONIZATION OF FREE NEGROES.

Mr. PICKERING, from the Committee on the African Slave Trade, made a report on the petition of the President and Board of Managers of the American society for colonizing the free people of color of the United States, which was read; when Mr. P. reported a joint resolution concerning the abolition of the traffic in slaves, and colonizing free people of color on the continent of Africa, which was read twice, and committed to a Committee of the Whole.

The report and resolution are as follow:

The committee to whom was referred the memorial of the President and Board of Managers of the "American Society for colonizing the free people of color of the United States," have had the same under their deliberate consideration. The subject is of such magnitude, and attended with so many difficulties, it is with much diffidence they present their views of it to the House.

Were it simply a question of founding a colony, numerous and well known precedents show with what facility the work might be accomplished. Every new Territory established by our Government, constitutes indeed a colony, formed with great ease, because it is only an extension of homogeneous settlements. But in contemplating the colonization of the free people of color, it seemed obviously necessary to take a different course. Their distinct character and relative condition render an entire separation from our own States and Territories indispensable. And this separation must be such as to admit of an indefinite continuance. Hence, it seems manifest that these people cannot be colonized within the limits of the United States. If they were not far distant, the rapidly extending settlements of our white inhabitants would soon reach them; and the evil now felt would be renewed, probably with aggravated mischief. Were the colony to be remote, it must be planted on lands now owned and occupied by the native tribes of the country. And could a territory be purchased, the transporting of the colonists thither would be vastly expensive, their subsistence for a time difficult, and a body of troops would be required for their protection. And after all, should these difficulties be overcome, the original evil would at length recur by the extension of our white population. In the meantime, should the colony so increase as to become a nation, it is not difficult to foresee the quarrels and destructive wars which would ensue, especially if the slavery of people of color should continue, and accompany the whites in their migrations.

Turning our eyes from our own country, no other adapted to the colony in contemplation presented itself to our view nearer than Africa, the native land of negroes; and, probably, that is the only country on the globe to which it would be practicable to transfer our free people of color with safety, and advantage to themselves and the civilized world. It is the country which, in the order of Providence, seems to have been appropriated to that distinct family of mankind.—And while it presents the fittest asylum for the free people of color, it opens a wide field for the improvements in civilization, morals and religion, which the humane and enlightened memorialists have conceived it possible, in process of time, to spread over that great continent.

Should the measure suggested be approved, an important question occurs—In what way shall its execution be essayed?

A preliminary step would be, to provide for the perfect neutrality of the colony, by the explicit assent and engagement of all the civilized Powers, whatever dissensions may at any time arise among themselves.

The next important question is—Will it be expedient to attempt the establishment of a new colony in Africa, or to make to Great Britain a proposal to receive the emigrants from the United States into her colony of Sierra Leone?

At Sierra Leone, the first difficulties have been surmounted, and a few free people of color from the United States have been admitted. A gradual addition from the same source (and such would be the natural progress) would occasion no embarrassment either in regard to their sustenance or government. Would the British Government consent to receive such an accession of emigrants, however eventually considerable, from the United States? Would that Government agree that, at the period when that colony shall be capable of self-government and self-protection, it shall be declared independent? In the meantime, will it desire to monopolize the commerce of the colony? This would be injurious to the colonists as well as to the United States. Should that country, from the nature of its soil and other circumstances, hold out sufficient allurements, and draw to it, from the United States, the great body of the free people of color, these would form its strength, and its ability to render its commerce an object of consideration. Now as the great and permanent benefit of the colonists was the fundamental principle of the establishment, will the British Government decline a proposition calculated to give to that benefit the important extension which will arise from a freedom of commerce to those, at least, at whose expense, and by whose means, the colony shall be essentially extended? Should an agreement with Great Britain be effected, no further negotiation, nor any extraordinary expenditure of money, will be required. The work already commenced will be continued, simply of carrying, to Sierra Leone, all who are willing to embark.

It would seem highly desirable to confine the migrations to a single colony. The two distinct and independent colonies, established and protected by two independent Powers, would naturally imbibe the spirit and distinctions of their patrons and protectors, and put in jeopardy the peace and prosperity of both. Even the simple fact of separate independence would eventually tend to produce collisions and wars between the two establishments, (unless, indeed, they were far removed from each other,) and perhaps de-

feat the further humane and exalted views of those who projected them. The spirit which animated the founders of the colony of Sierra Leone, would be exerted to effect a union of design and the cordial cooperation of the British Government with our own; and, it might be hoped, not without success. It would be in accordance with the spirit of a stipulation in the last Treaty of Peace, by which the two Governments stand pledged to each other to use their best endeavors to effect the entire abolition of the traffic in slaves, while the proposed institution would tend to diminish the quantity of slavery actually existing.

If, however, such enlarged and liberal views should be wanting, then the design of forming a separate colony might be announced by the American Ministers to the maritime Powers; and their guarantee of the neutrality of the colony obtained.

Your committee do not think it proper to pursue the subject any further at this time; but that the Government should wait the result of the suggested negotiations, on which ulterior measures must depend.

In conclusion, your committee beg leave to report a joint resolution, embracing the views herein before exhibited.

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized to consult and negotiate with all the Governments where Ministers of the United States are, or shall be accredited, on the means of effecting an entire and immediate abolition of the traffic in slaves. And, also, to enter into a convention with the Government of Great Britain, for receiving into the colony of Sierra Leone, such of the free people of color of the United States, as, with their own consent, shall be carried thither, stipulating such terms as shall be most beneficial to the colonists, while it promotes the peaceful interests of Great Britain and the United States. And should this proposition not be accepted, then to obtain from Great Britain, and the other maritime Powers, a stipulation, or a formal declaration to the same effect, guaranteeing a permanent neutrality for any colony of free people of color, which, at the expense and under the auspices of the United States, shall be established on the African coast.

Resolved, That adequate provision shall hereafter be made to defray any necessary expenses which may be incurred in carrying the preceding resolution into effect.

INDEMNITY FOR WAR LOSSES.

The House again resolved itself into a Committee of the Whole, on the bill appropriating $340,000 for the relief of certain sufferers on the Niagara frontier, in the late war. Mr. ARCHER's motion to amend the bill so as to include the losses on the Chesapeake bay, being under consideration—

Mr. HUNGERFORD moved to amend the amendment, by inserting after Chesapeake bay, the words "and its waters," so as to include losses in the northern neck, &c. of Virginia. Mr. ARCHER received the amendment as a part of his motion.

Mr. CLARK, of New York, required the reading of various documents, depositions, certificates, &c. illustrating and certifying the nature and character of the losses sustained by individuals on the Niagara frontier, and then entered into a defence of the claims of the said sufferers to relief.

Mr. T. M. NELSON replied at length to Mr. CLARK, arguing that no law existed for billeting troops in the houses of the citizens, or their occupation for military, stores, &c., and that all such occupations were of course paid for; which fact he also vouched from his personal knowledge; and that the use of the houses referred to was not only paid for, but at an enormous rent. Mr. N. read sundry official letters, &c., to establish his views of the illegality of the claims of the sufferers, the laws of war, &c.

Mr. JOHNSON, of Kentucky, argued in support of the bill, the principle of which had been sanctioned by the adoption of the 9th section of the claims law of last session, which section had not been objected to, and the repeal of which did not take place from any change of opinion as to the propriety of the principle, but from a fear of its abuse, by the construction which had been given to it, and because it was presumed that it could be administered with greater correctness by this House. He contended, also, that the motive of retaliation alleged by the enemy for the destruction of property on the Niagara frontier was a mere pretext, and, although he was willing to indemnify by some general provision the sufferings on the Chesapeake, the river Raisin, &c., yet the amendment was not grounded on any principle yet decided on, as in the case of the Niagara sufferers, and for that reason he should not vote now to incorporate the motion in this bill.

Mr. WRIGHT followed in opposition to indemnifying the sufferers on the Niagara: to whom

Mr. GOLD and Mr. HARRISON replied and advocated strenuously the relief of those sufferers.

Mr. SMITH, of Maryland, declared himself in favor both of the amendment and original bill, and spoke some time in support thereof.

Mr. PICKERING was opposed to the bill in any shape which it could assume, because Congress had already authorized a strict inquiry into all losses by the late war, and that the conflagration of the Niagara frontier was an act of retaliation for burning the town of Newark, which was unauthorized in civil warfare, and unnecessary.

Mr. ROOT replied to Mr. PICKERING, and advocated at some length the justice of extending relief to the sufferers in question.

Mr. HARRISON defended the destruction of Newark by the American troops, and had no doubt that, if Mr. PICKERING was to view the situation of that town, and its relation to Fort Niagara, he would approve the burning of it; and Mr. H. was willing to stake his military reputation on the propriety of that measure, as a military one, which every military man would sanction.

Mr. PICKERING replied, that the destruction of Newark was alleged to be in defence of Fort George, and not Fort Niagara.

Mr. PETER expressed the objections he entertained to the amendment proposed by Mr. ARCHER, and stated his reasons for deeming the destruction of Newark unauthorized by military law, and unnecessary.

Mr. ARCHER again supported his amendment,

and replied to the arguments of those who condemned the burning of Newark, which he said was done with the double view of defending Fort George, and ultimately Fort Niagara.

The question was at length taken on Mr. ARCHER's motion, and decided in the negative.

After going through the bill, and making some immaterial amendments—

Mr. FORSYTH moved the amendment he yesterday suggested, to strike out the first section of the bill, and insert in lieu thereof the appropriation of a million of dollars for the relief of persons in different parts of the country, who have suffered losses in consequence of military occupation by the forces of the United States, to be distributed in proportion to the loss sustained by each individual, as compared with the residue of his property—the poorest individual to receive the largest sum, in proportion to his loss.

The question was taken thereon without debate, and decided in the negative without a division.

Mr. FORSYTH then, as he doubted whether this bill, after all the time it should consume, had a majority in its favor, and for the purpose, therefore, of saving time, by at once trying the sense of the House on it, moved to strike out the first section—in effect to destroy it.

This motion was negatived by a considerable majority; when the Committee rose, reported the bill as amended, and the House adjourned.

WEDNESDAY, February 12.

The SPEAKER presented a petition of Hezekiah Niles and Jehu Chandler, stating that they have it in contemplation to establish a national printing office and stationery store at the Seat of Government, and praying for the protection and support of the National Legislature in their undertaking.—Referred to a select committee. And Mr. YANCEY, Mr. CALHOUN, Mr. NEWTON, Mr. INGHAM, and Mr. TAYLOR, of New York, were appointed the committee.

Mr. YANCEY, from the Committee of Claims, made a report on the petition of Mary Wells; on the petition of James Orr; on the petition of William Oliver; on the petition of Peter Kendall; and on the petition of Berthelemy Duverges;—which were severally read. When Mr. Y. reported bills of the following titles, to wit: A bill for the relief of Mary Wells; a bill for the relief of James Orr; a bill for the relief of William Oliver; a bill for the relief of Peter Kendall; and a bill for the relief of Berthelemy Duverges;—which said bills were severally read the first and second time, and committed to the Committee of the whole House, to which is committed the bill for the relief of Caze and Richaud.

ELECTORAL VOTES FOR PRESIDENT.

On motion of Mr. JACKSON, a message was sent to the Senate, informing them that the House of Representatives were ready to proceed, agreeably to the mutual resolution of yesterday, to open and count the votes for President and Vice President of the United States.

The Senate, soon after, entered the House of Representatives, preceded by their President, who was received by the Speaker at the Chair of the House, in which the President of the Senate took his seat, and the Speaker of the House beside him. The Tellers of the two Houses—Mr. MACON on the part of the Senate, and Mr. JACKSON and Mr. PITKIN on the part of the House of Representatives—occupied seats in front of the Chair.

The seals of the votes were broken by the President of the Senate, and by him handed to the Tellers, by whom they were read aloud, and recorded on the Journals of the Senate and of the House of Representatives by the Secretary of the Senate and Clerk of the House, respectively.

The votes of all the States having been read, with the exception of those of the State of Indiana—

Mr. TAYLOR, of New York, arose, and (addressing himself to the Speaker of the House,) expressed his unfeigned regret at being compelled, by his sense of duty, to interrupt the proceeding of the two Houses. Mr. T. was then going on to state his reasons for objecting to the votes from Indiana being read and recorded; when

The SPEAKER interrupted him, and said, that the two Houses had met for the purpose—the single, specific purpose—of performing the Constitutional duty which they were then discharging, and that while so acting, in joint meeting, they could consider no proposition nor perform any business not prescribed by the Constitution.

Mr. VARNUM, of the Senate, (addressing the President of the Senate,) expressed his concurrence in the propriety of what had been stated by the Speaker, and, for the purpose of allowing the House of Representatives to deliberate on the question which had been suggested, he moved that the Senate withdraw to their Chamber.

The motion was seconded by Mr. DANA, of the Senate, and the question being put by the President to the members of the Senate, it was unanimously agreed to; and the Senate withdrew accordingly.*

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* [From the National Intelligencer.]

Messrs. GALES & SEATON:

In your paper of this morning, in detailing the proceedings of the two Houses of Congress relating to counting the votes for President and Vice President, you state that the motion made by Mr. VARNUM, and seconded by Mr. DANA, that the Senate should withdraw, was "unanimously agreed to." This, gentlemen, is a mistake. There were several negatives, distinctly and audibly given, and a division being called for, it is doubtful how the question would have been decided. The writer of this was one of those who voted against the motion, believing that the two Houses ought not to separate until they had discharged the duty which brought them together, and that in counting the votes, it was for them to decide what were votes in the meaning of the Constitution. Reflection has confirmed him in this opinion; and regarding the precedent set by the Senate's withdrawing as one which it would be inconvenient and dangerous to follow, he is not willing to see it recorded as an unanimous act, when

The SPEAKER having stated to the House that it now remained for them to consider the subject which had interrupted the forms of the Constitution—

Mr. TAYLOR, of New York, said, that, although the question, as regarded the present election, was of no consequence, yet the time might arrive when it would be of the greatest importance in the election of President of the United States, and that it would be better to settle it now, when its decision would not affect the election. He then proceeded with his objections to receiving the votes from Indiana, contending that the joint resolution of December last, admitting that State into the Union, was not a matter of form merely, but a great Constitutional prerogative, to be exercised by Congress; until which, a sister State could not be admitted into the Union upon an equal footing. If this was not so, where was the use of passing on the form of Government adopted by the State, and sanctioning her admission, if she was admitted to an equal footing already?

the reverse of the case, and thereby a weight and importance given, which do not in reality belong to it.

WASHINGTON CITY, *Feb.* 14, 1817.

[No doubt, whatever is entertained of the correctness of the above statement, for which we are much indebted to the writer, but the Reporter certainly heard not a single negative.

Having stated the proceedings of the House of Representatives on the question referred to in the above note, it may be proper to notice what, we learn, took place in the Senate, after that body withdrew from the House.

On retiring to their Chamber, some conversation took place in the Senate, on the subject which had produced the separation of the two Houses; when

Mr. BARBOUR moved the adoption of a resolution, that the State of Indiana had a right, by her Electors, to vote for President and Vice President, on the first Monday in December last.

This resolution was supported by Messrs. TALBOT, MASON of New Hampshire, BARBOUR, DANA, and DAGGETT; and opposed by Messrs. CAMPBELL and FROMENTIN.

Before any decision took place on the resolution, the message from the House of Representatives, announcing their readiness to proceed in counting the votes, was received; when

Mr. BARBOUR stated, that as the question which had interrupted the proceedings of the joint meeting originated in the other House, and they having announced their readiness to resume the business which had called the two Houses together, it was unnecessary, he thought, to take any order on the resolution he had submitted, and therefore withdrew it.

The Senate then again proceeded to the Representatives Hall.

On Thursday, the next morning, there was a considerable discussion on the question how the proceeding of the preceding day should be stated on the Journal of the Senate, since, being novel in its character, the proceeding might be drawn into precedent on occasions of more importance than the present. It was finally resolved, that the Journal should be made "according to former precedents."]—*Editors National Intelligencer.*

The Electors of President and Vice President having been elected in Indiana before she was declared to be admitted into the Union by Congress, he thought the votes of that State were no more entitled to be counted than if they had been received from Missouri, or any other Territory of the United States. Mr. T. acknowledged he did not know what would be the most proper course of proceeding in the business, but believed it would be best to adopt a joint resolution, that the votes of Indiana, having been given previous to her admission into the Union, were illegal, and ought not to be received.

Mr. CADY, of New York, thought the question already settled, as another branch of the Legislature had admitted the Senators from the new State to all the privileges of other members of that body; that, after admitting the Representatives of the State to act in Congress on all the concerns of the nation, it was too late to question her right to participate in this; and that, from the moment the constitution of the State was assented to, she was entitled to all the privileges of an independent member of the Union.

Mr. SHARP, of Kentucky, for the purpose of settling the question, offered a joint resolution, "That the votes for Electors of the State of Indiana, for President and Vice President of the United States, were properly and legally given, and ought to be counted."

Mr. BASSETT, of Virginia, thought the resolution ought not to be a joint one, as it might establish a precedent which might in time, in the case of a tie, &c., deprive this House of one of its powers, by permitting the Senate to participate in this question.

Mr. CALHOUN suggested to Mr. SHARP, whether it would not be better to offer his resolution in the negative form. He, for one, did not believe the votes improper, but the question would be put to rest with more certainty, he thought, by rejecting it in the negative shape, than it would by agreeing to it in its present form.

Mr. TAYLOR, of New York, moved to amend the resolution, by substituting therefor a motion declaring the votes illegal, &c.

Mr. SHEFFEY said this question was settled already; for, if they had no right to give votes in the organization of the Executive, they had none in the National Legislature. We have decided, said Mr. S., that the organization of their State government is correct; we said to them in the act, if they performed certain duties, they were entitled to admission into the Union upon an equal footing with the other States; and the resolution to admit them was merely a declaration that they had so performed that duty. The proposition before the House, Mr. S. thought, was wrong, and that the State was certainly entitled to the votes.

Mr. SHARP defended his motion, and the joint form he had given to it, as necessary to ascertain the joint sense of the two Houses, without which they could not know whether the Senate were willing to proceed. The argument of Mr. SHEFFEY, he said, was a clear exposition of the right of the vote. Congress was bound to see that the

new State adopted a Republican form of government, but that, said he, was all we had to do with them; but the recognition of that could not affect their right to vote, nor any other right or privilege of an independent State, endowed with all the powers of the others, as the votes had been given after they had performed the condition required of them to become an independent State.

Mr. Gaston thought the only difficulties were as to the form the House ought to adopt. With regard to the question, he was under no difficulty; according to the act of last session the votes were legal, and rightfully given. Mr. G. read the provisions of the act of last session, authorizing Indiana to form a State government, which left it to them to choose a name, prescribed the qualifications of electors of delegates to the convention, which delegates were to determine whether it was expedient at that time to form a constitution, &c.; and if they determined that it was expedient, then they were authorized to form a constitution; and that determination was the act that made the Territory a State. Had they adopted a constitution not Republican, they would have done what they were unauthorized to do, and all their proceedings would have been illegal. But what, Mr. G. presumed, would remove all difficulty, were propositions in the act, which, if accepted, was to be obligatory on the parties; such as that all salt springs should be granted to said State, for the use of the people thereof, in such manner as the Legislature should direct, &c. The acceptance of this proposition by Indiana was obligatory on the United States; then was called into existence the new State; and it had been recognised by both branches of the National Legislature, by admitting into their respective bodies the Senators and Members from the State. Mr. G., though opposed to the amendment offered by Mr. Taylor, was not certain that the other motion would be proper, but was inclined to think that the better course would be merely to send a message to the Senate, that the House was ready to proceed in counting the votes.

Mr. Taylor was not satisfied by the arguments he had heard. Suppose the convention of Indiana had formed a constitution manifestly not Republican, would they then, he asked, have been entitled to vote for Electors? He would put another case. The act of last session prescribed the number of delegates which should be elected by each county to the convention; suppose the convention to have formed a Republican constitution, but that the counties should have sent three times the number of delegates authorized by the act of Congress, would not Congress see that the whole course of proceedings was proper; and would not their incipient acts be ineffectual until Congress had decided on them? The admission of the member into this House, no other appearing to claim the seat, was different from the right of voting in the present election; and until the State was declared a member of the Union, it was not to be so considered so far forth as to entitle it to vote for President and Vice President. If not so, it was an idle thing for Congress, in December last, to declare their admission into the Union.

Mr. Robertson, of Louisiana, regretted the agitation of this question, as he could not recognise the right of this House or the Senate to decide on the rights of the States, and to question the sovereignty of an independent State after its admission into the Union, was a matter of dangerous tendency. The State of Indiana, professing to be such, had sent members to this House and to the Senate, who had been admitted to all the privileges of legislation. Was it said Congress had not used due deliberation in admitting those members; and had the State done any more in electing Electors, than in sending her members to represent her in Congress? You cannot now, said Mr. R., raise a question of State or no State. The condition requiring the State to adopt a Republican constitution was a matter of course, because the United States were bound to guaranty such a constitution to each State; and the joint resolution of December last was a mere declaration that the State had complied with the obligation.

Mr. Pitkin, of Connecticut, was of opinion that the State was entitled to all State rights, as soon as they had complied with the requisitions of the act authorizing the people of the Territory to form a State government. The case of Louisiana was different, because the act authorizing that Territory to adopt a State government, required that their constitution should be submitted to Congress before their admission into the Union. With Indiana the case was different, as with her no such condition was made. The question before the House, Mr. P. said, was a novel one; resolutions had been passed by the two Houses to assemble for a certain purpose therein stated, and the most proper way would be to send a message to the Senate, that the House was ready to proceed in the business of counting the votes.

Mr. Hendricks, of Indiana, regretted the necessity which called him up. Indiana, he said, was, or was not a State, and the decision of that question would settle the one before the House. The case of Louisiana was not analogous; as the ordinance of 1787, concerning the Territories, and under which they were admitted into the Union, did not apply to any Territory west of the Mississippi. The only question for Congress to decide was, whether the State had complied with the requisition of the act of last session—whether the constitution adopted was Republican or not—nothing more. Suppose, indeed, that the State had adopted no constitution at all; had chosen to live under their laws alone, and had not thrown their State government into the form of a constitution, would the State have been thereby deprived of her rank in the Union? The ordinance of '87 had guarantied a State government when they reached a certain extent of population, and Congress could require of them no more than had been done. Mr. H. argued, that the same authority which gave him a right to vote in this House, gave them also a right to vote

for President and Vice President of the United States.

Mr. INGHAM, of Pennsylvania, moved that the resolution and amendment be both indefinitely postponed; which motion was agreed to almost unanimously; and then,

On motion of Mr. JACKSON, a message was sent to the Senate, informing them of the readiness of this House to proceed in counting the votes.

The Senate soon after again entered the Representatives Hall; when

The SPEAKER informed them, that the House of Representatives had not seen it necessary to come to any resolution, or to take any order on the subject which had produced the separation of the two Houses.

The reading of the votes was then concluded; and the Tellers handed a statement thereof to the President of the Senate, who announced to the joint meeting the following as the state of the votes:

STATES.	President.		Vice President.				
	James Monroe, of Virginia.	Rufus King, of New York.	Daniel D. Tompkins, of N. Y.	John E. Howard, of Maryland.	James Ross, of Pennsylvania.	John Marshall, of Virginia.	Robert G. Harper, of Maryl'd.
New Hampshire	8	–	8				
Massachusetts	–	22	–	22			
Rhode Island	4	–	4				
Connecticut	–	9	–	–	5	4	
Vermont	8	–	8				
New York	29	–	29				
New Jersey	8	–	8				
Pennsylvania	25	–	25				
Delaware	–	3	–	–	–	–	3
Maryland	8	–	8				
Virginia	25	–	25				
North Carolina	15	–	15				
South Carolina	11	–	11				
Georgia	8	–	8				
Kentucky	12	–	12				
Tennessee	8	–	8				
Ohio	8	–	8				
Louisiana	3	–	3				
Indiana	3	–	3				
Total	183	34	183	22	5	4	3

RECAPITULATION OF THE VOTES OF THE ELECTORS.

For President of the United States.

JAMES MONROE, of Virginia - - - 183
RUFUS KING, of New York - - - 34

For Vice President of the United States.

DANIEL D. TOMPKINS, of New York - - 183
JOHN E. HOWARD, of Maryland - - - 22
JAMES ROSS, of Pennsylvania - - - 5
JOHN MARSHALL, of Virginia - - - 4
ROBERT G. HARPER, of Maryland - - 3

The PRESIDENT OF THE SENATE declared that JAMES MONROE, of the State of Virginia, was duly elected President of the United States for four years, to commence on the 4th day of March next; and that DANIEL D. TOMPKINS, of the State of New York, was duly elected Vice President of the United States, for the like term of four years, to commence on the said fourth day of March next.

The two Houses then separated, the Senate returned to their Chamber, and the House adjourned.

THURSDAY, February 13.

Mr. NEWTON, from the Committee of Commerce and Manufactures, who were instructed to inquire into the expediency of authorizing importers of goods into New Orleans, and destined for Cincinnati, to give bond for the payment of the duties, to a collector to be appointed to reside at Cincinnati, made a report thereon; which was read, and ordered to lie on the table.

Mr. LEWIS, from the Committee on the District of Columbia, to which was referred the bill from the Senate, entitled "An act authorizing the sale of certain grounds belonging to the United States, in the City of Washington," reported the same with amendments, which were read, agreed to, and ordered to be engrossed, and the bill as amended to be read a third time to-morrow.

Mr. WILDE, from the Committee on the Judiciary, who were instructed to inquire into the expediency of allowing to the judge of the sixth circuit court of the United States an additional compensation, made a favorable report; which was read, and committed to the Committee of the Whole on the bill making appropriations for the support of Government during the year 1817.

Mr. CHAPPELL, from the Committee on Pensions and Revolutionary Claims, to which was referred the bill from the Senate, entitled "An act for the relief of the widow and children of Arnold Henry Dohrman, deceased," reported the same without amendment; and the bill was committed to the Committee of the Whole on the bill from the Senate, entitled "An act for the relief of the heirs of Landon Carter, deceased."

Mr. CHAPPELL, from the same committee to which was also committed the bill from the Senate, entitled "An act to appoint additional pension agents," reported the same without amendment; and the bill was committed to the Committee of the Whole on the bill from the Senate "to provide for the prompt settlement of public accounts."

Mr. INGHAM, from the Committee on the Post Office and Post Roads, reported a bill to extend the privilege of franking to the Ordnance department and Patent Office; which was read twice, and committed to a Committee of the Whole.

Mr. ROBERTSON, from the Committee on Public Lands, made a report against the petitions of

sundry inhabitants of Lower Sandusky, in the State of Ohio, and the resolution of the General Assembly of that State in their behalf, and against the petitions of sundry inhabitants of Montgomery county, in the said State of Ohio; which reports were read, and agreed to.

Mr. PLEASANTS, from the Committee on Naval Affairs, to which was committed the bill from the Senate, entitled "An act in addition to an act for the relief of Daniel T. Patterson and George T. Ross, and the officers and men lately under their command," reported the same without amendment; and the bill was read the third time, and passed.

An engrossed bill entitled "An act relating to the ransom of American captives of the late war," was read the third time, and passed.

SUNDRY REPORTS AND BILLS.

Mr. YANCEY, from the Committee of Claims, made a report on the petition of Peyton Short; on the petition of Asa Wells; and on the petition of Charles Williams;—which reports were severally read. When Mr. Y. reported bills of the following titles, to wit: A bill for the relief of Peyton Short; a bill for the relief of Asa Wells; and a bill for the relief of Charles Williams;—which said bills were severally read twice, and committed to the Committee of the Whole, on the bill for the relief of Caze and Richaud.

The report on the petition of Peyton Short is as follows:

That the petitioner entered into a contract with one Thomas Marshall, an agent of the United States, to furnish the Government with a large quantity of whiskey, at 3*s*. 6*d*. per gallon. A controversy arising out of the contract, the petitioner was sued by the United States, in the federal court of Kentucky; and, at the time of trial, being absent from the court, his counsel consented that judgment should be entered against him for five hundred dollars, subject to the equity of his case. The petitioner afterwards, being dissatisfied with the judgment of the court, filed a bill of injunction; and, upon a full and equitable hearing of the cause, the court decreed that there was a balance against the petitioner of one hundred and fifty dollars seventeen cents and nine mills, in favor of the United States; and that the balance of the judgment at law, which is stated at one hundred and eighty-two dollars two cents and nine mills, should be perpetually enjoined. The petitioner discharged that part of the debt which was decreed against him; but, subsequent to the decree, (to wit, in November, 1814,) the court decided that it had no jurisdiction of the cause, and ordered it to be dismissed; upon which, an execution issued against the property of the petitioner for the balance of the judgment.

It appears, from a copy of an execution from the district court of Kentucky, that the petitioner has paid, or is ready to pay, the balance which the court decreed against him when his cause was considered as in a court of equity.

The committee, assuming as a fact that the cause, when it was heard by the federal court as a court of equity, was equitably and justly decided between the public and a citizen, have not considered it necessary to investigate the original merits of the case. They are of opinion that the petitioner, having paid the amount decreed against him, is entitled to relief, as regards the balance of the judgment at law, and report a bill to that effect.

The report on the petition of Asa Wells is as follows:

That, in the year 1808, the petitioner, as lieutenant, with a detachment of men under his command, was ordered by the Governor of New York to march to Oswego, in that State, for the purpose of aiding the collector of the district and port of Oswego, in the execution of the duties and powers of his office in executing the laws of the United States. While the petitioner was stationed at Oswego, he received orders from the collector of the port to proceed, with thirty-five men, to Salmon river and Big Sandy creek, to search for potash, or any other articles which might be there deposited, indicating a belief that they were about to be smuggled into Canada, and to seize boats which might be found there without regular papers. Some boats were found at Sandy creek, and seized by the petitioner and his party. Those who had them in possession, no doubt, from circumstances, intended running them off as soon as they found it convenient. The masts, sails, and oars of the boat were secreted in the adjacent woods; but they were discovered, and also seized. A number of persons, supposed to be about eighty, assembled and demanded of the petitioner and his men that the property which had been seized should be restored, and stating their determination, if it were not restored, to take it by force. They were ordered to disperse and retire; and, having refused to do so, ten of them were taken by the petitioner, and sent to the garrison at Oswego, and, by the commanding officer of the garrison, they were sent to the jail in Onondaga. For this proceeding the petitioner was sued, in ten several suits, by the party he had arrested; and, after the return of the writs in each case, and before the trial of the causes, the plaintiffs left the State of New York, and the suits have all been dismissed for the want of prosecution by those who commenced them; the consequence of which is, that the defendant, in each case, has been compelled to pay costs to the amount of $488 95.

The law of the State of New York authorizes a resident citizen of the State to commence a suit without giving security for the payment of the costs if the plaintiff should fail in the suit. But if one who was a citizen at the commencement of the suit removes from the State, he may be compelled to give security for the prosecution of the suit, or have it dismissed; and if the counsel of the plaintiff should continue to prosecute the suit after the plaintiff has removed, he may be made answerable for the costs which may have accred after removal. The counsel in those cases against the petitioner, upon this principle, was compelled, by order of the court, to pay of the costs in the suits $122 40.

The petitioner prays that Congress would pay him the sum which he has been compelled to pay under these circumstances.

The Committee are of opinion he is entitled to relief, and therefore report a bill to that effect.

INDEMNITY FOR WAR LOSSES.

The bill for the relief of certain sufferers (on the Niagara frontier) by the late war, was taken up and further amended. On the question to order the bill to be engrossed for a third reading—

Mr. INGHAM moved to lay the bill on the table,

principally on the ground that there was a bill on the same subject before the Senate, the decision on which was materially connected with that now before the House. The motion was opposed by Mr. CLARK, of New York, and Mr. GOLD, and supported by Mr. INGHAM and Mr. PICKERING. The question for laying the bill on the table was decided in the affirmative—yeas 100, nays 53, as follows:

YEAS—Messrs. Adams, Archer, Atherton, Baer, Barbour, Bassett, Bateman, Baylies, Bennett, Birdseye, Breckenridge, Brown, Burwell, Caldwell, Cannon, Champion, Chappell, Cilley, Clarke of North Carolina, Clayton, Clendennin, Condict, Cook, Cooper, Crawford, Culpeper, Darlington, Davenport, Dickens, Edwards, Findley, Forney, Gaston, Goldsborough, Goodwyn, Griffin, Hahn, Hale, Hawes, Heister, Henderson, Herbert, Hooks, Hopkinson, Huger, Hungerford, Ingham, Jewett, King, Langdon, Law, Lewis, Little, Lowndes, Lumpkin, Lyle, William P. Maclay, Marsh, Mason, McCoy, McKee, Miller, Mills, Milnor, Jeremiah Nelson, Hugh Nelson, Thomas M. Nelson, Newton, Noyes, Pickens, Pickering, Piper, Pitkin, Pleasants, Powell, Reed, Rice, Ross, Ruggles, Sharpe, Smith of Pennsylvania, Smith of Virginia, Stearns, Strong, Tate, Telfair, Thomas, Vose, Wallace, Ward of Massachusetts, Ward of New Jersey, Webster, Wheaton, Whiteside, Wilcox, Williams, Thos. Wilson, Wright, Wm. Wilson, Woodward, and Yancey.

NAYS—Messrs. Adgate, Alexander, Betts, Birdsall, Brooks, Cady, Calhoun, Carr of Massachusetts, Clark of New York, Comstock, Conner, Creighton, Crocheron, Desha, Gold, Hammond, Hardin, Harrison, Hendricks, Hulbert, Irving of New York, Jackson, Johnson of Virginia, Johnson of Kentucky, Kerr of Virginia, Lovett, Lyon, McLean, Middleton, Moffitt, Moore, Ormsby, Peter, Reynolds, Robertson, Root, Savage, Schenck, Sheffey, Smith of Maryland, Southard, Sturges, Taul, Taylor of New York, Townsend, Tyler, Ward of New York, Wendover, Wilkin, Willoughby, and Yates.

GENERAL APPROPRIATION BILL.

The House then resolved itself into a Committee of the Whole on the appropriation bill for the civil expenses of the United States. This bill is generally a matter of form and detail merely, setting apart from the Treasury, for disbursements, sums of money already authorized by law to be paid. There was considerable discussion on some minor questions arising in the bill, particularly in regard to the payment of the expenses of an additional clerk, found necessary to have been employed in the office of the Commissioner of Claims; which allowance was finally agreed to. The Committee rose, reported the bill, and the House adjourned.

FRIDAY, February 14.

Mr. TYLER presented a petition of sundry merchants of the district of Richmond, in the State of Virginia, and of owners and masters of vessels trading to and from the said district, praying that the moneys collected in said district, under the act for the relief and protection of sick and disabled seamen may be expended therein.—Referred to the Secretary of the Treasury.

The SPEAKER presented a petition of a society of cadets at the Military Academy at West Point, called the "*Amosophic Society*," praying for an act of incorporation; which was ordered to lie on the table.

The SPEAKER also presented a petition of sundry inhabitants of the State of Maryland, stating that it is their intention to run a line of stages from Baltimore, by Fredericktown, and over the Cumberland road to the Ohio river, praying that the Postmaster General may be directed to enter into a contract with them for transporting the mail on the route aforesaid.—Referred to the Postmaster General.

Mr. NEWTON, from the Committee of Commerce and Manufactures, reported a bill to repeal so much of an act, entitled "An act to regulate the duties on imports and tonnage," passed April 27, 1816, as limits the laying and collecting a duty of twenty-five per centum ad valorem on certain goods, to the 30th June, 1819; which was read twice, and committed to the Committee of the Whole on the bill to increase the duty on iron in bars and bolts.

The SPEAKER laid before the House a letter from the Acting Secretary of War, in reply to the resolution requesting him to report the reasons why the militia fines incurred under the late call of the militia into the service of the United States are not finally collected. [Stating that by reference to the acts of Congress of February 28, 1795, and the 2d of February, 1813, the War Department has no control in relation to the collection of fines assessed by courts martial, appointed for the trial of delinquent militiamen, and therefore the department cannot furnish the information required by the resolution.]

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a statement showing the quantity of public lands sold, and the receipts therefor, in the States of Ohio and Indiana, and the Illinois and Mississippi Territories, during the year ending on the 30th of September, 1816; which was referred to the Committee on the Public Lands.

On motion of Mr. PARRIS, the Secretary of War was directed to lay before this House any information in the possession of that department relative to the claims of the State of Massachusetts, for payment of the expenses of the militia ordered out by the Executive authority of that State during the late war.

INTERNAL DUTIES.

Mr. WILLIAMS, of North Carolina, offered the following resolution:

Resolved, That the internal duties be repealed, and that the Committee of Ways and Means be instructed to report a bill for that purpose.

The question of considering the resolution, was decided in the affirmative—yeas 84, nays 34, as follows:

YEAS—Messrs. Alexander, Atherton, Baylies, Bennett, Birdsall, Birdseye, Blount, Brooks, Bryan, Cady, Cannon, Carr of Mass., Cilley, Clark of New York, Clendennin, Cooper, Culpeper, Desha, Edwards,

Fletcher, Goldsborough, Hale, Hall, Hammond, Harrison, Heister, Henderson, Hendricks, Hooks, Hungerford, Irwin of Pennsylvania, Jewett, Johnson of Kentucky, Kent, Kerr of Virginia, King, Langdon, Law, Little, Lovett, Lumpkin, Lyle, Lyon, Marsh, Mason, McCoy, McKee, McLean, Mills, Milnor, Moffitt, Moore, Jeremiah Nelson, Newton, Noyes, Parris, Peter, Pickens, Pleasants, Powell, Reed, Reynolds, Rice, Roane, Ruggles, Sharpe, Smith of Virginia, Southard, Stearns, Strong, Taggart, Taul, Telfair, Thomas, Tyler, Vose, Wallace, Ward of New York, Wheaton, Whiteside, Wilcox, Williams, Willoughby, and Wm. Wilson.

Nays—Messrs. Adgate, Archer, Baer, Barbour, Bassett, Bateman, Breckenridge, Caldwell, Calhoun, Comstock, Condict, Davenport, Findley, Forney, Goodwyn, Griffin, Hahn, Ingham, Lowndes, William P. McLean, Middleton, Miller, Thomas M. Nelson, Ormsby, Robertson, Root, Savage, Schenck, Tallmadge, Taylor of New York, Wilde, Wilkin, Woodward, and Yancey.

A debate of some length ensued on the adoption of the resolution.

Mr. Smith, of Maryland, moved to lay the resolution on the table; but the debate continuing, before the question was taken thereon,

Mr. Lowndes moved to proceed to the orders of the day; which motion was decided in the affirmative—yeas 73, nays 72, as follows:

Yeas—Messrs. Adgate, Archer, Barbour, Bassett, Bateman, Bennett, Betts, Birdseye, Breckenridge, Brown, Caldwell, Calhoun, Chappell, Clark of New York, Clayton, Comstock, Condict, Cooper, Creighton, Davenport, Findley, Forney, Forsyth, Gold, Goodwyn, Griffin, Hahn, Harrison, Hendricks, Huger, Ingham, Irving of New York, Johnson of Kentucky, Kerr of Virginia, Law, Little, Lowndes, William P. Maclay, McLean, Middleton, Miller, Mills, Moseley, J. Nelson, T. M. Nelson, Newton, Ormsby, Pickens, Pickering, Pleasants, Reynolds, Robertson, Ruggles, Savage, Schenck, Sheffey, Smith of Maryland, Southard, Stearns, Tallmadge, Taylor of New York, Taylor of South Carolina, Telfair, Townsend, Tyler, Ward of Massachusetts, Wendover, Wilde, Wilkin, Willoughby, Thomas Wilson, Yancey, and Yates.

Nays—Messrs. Adams, Alexander, Atherton, Baylies, Birdsall, Blount, Boss, Bradbury, Brooks, Bryan, Burwell, Cady, Cannon, Carr of Massachusetts, Champion, Clarke of North Carolina, Clendennin, Cook, Culpeper, Desha, Dickens, Edwards, Fletcher, Goldsborough, Hale, Hall, Hammond, Hardin, Heister, Henderson, Herbert, Hooks, Hungerford, Jewett, Johnson of Virginia, Kent, King, Langdon, Lovett, Lumpkin, Lyle, Lyon, Marsh, Mason, McCoy, McKee, Milnor, Moffitt, Moore, Hugh Nelson, Noyes, Parris, Peter, Powell, Reed, Rice, Roane, Root, Sharpe, Smith of Pennsylvania, Smith of Virginia, Strong, Taggart, Thomas, Vose, Wallace, Ward of New York, Wheaton, Whiteside, Wilcox, Williams, and Wm. Wilson.

APPROPRIATION BILLS.

Mr. Cannon then moved that the order of the day, being the report of the Committee of the Whole on the general appropriation bill, be laid on the table for the purpose of taking up the resolution, submitted some weeks since, declaring it expedient to reduce the Army.

After some discussion on the propriety of postponing the appropriation bill, for the object avowed by the mover, the question was taken thereon, and decided in the negative—ayes 56, nays 73; and the House then proceeded to the consideration of the appropriation bill and the amendments reported by the Committee of the Whole thereon.

The amendments were variously disposed of, and the only considerable departure from the report of the Committee of the Whole was the reduction of the appropriation of $72,000 for intercourse with the Barbary Powers. This sum was stricken out, on motion of Mr. Root, who then moved to fill the bill with $20,000; it was, however, filled, on motion of Mr. Ingham, with $47,000, (the sum appropriated last year,) and then the bill was ordered to be engrossed for a third reading.

The bill from the Senate, authorizing the sale of certain grounds belonging to the United States in the city of Washington, was read the third time, and passed.

The House then resolved itself into a Committee of the Whole on the bill making appropriations for the military service.

This bill is usually considered as a matter of form, and the blanks in it filled of course with the estimates from the proper Departments.

Some debate took place, incidentally, on the practice, authorized by law, and heretofore prevailing, to a great extent, of transferring appropriations from one branch of service to another, a practice which was much disapproved. Some animadversions were also made on the expenses of the Government, pronounced to be of overgrown amount, and requiring curtailment. This debate was abstract in its nature, applied particularly to no proposition before the House, but to others which had been suggested for securing accountability for the public money, and the rigid application of appropriations to specific objects. Particular objection was also made to the amount of appropriation for the Quartermaster's department for the Northern and Southern divisions, which was pronounced enormous, and under which, it is said, without further appropriation by law, extensive barracks have been built, under the authority of the War Department. The appropriation for the Quartermaster's department of the Southern division, ($450,000,) recommended in the estimate of the War Department, was rejected by a few votes, on the ground of its large amount, and the want of regulation in that department; but was soon afterwards reconsidered, and, after further debate, agreed to by a large majority.

[The gentlemen who took part in the debate, were Messrs. Lowndes, Calhoun, Smith, of Maryland, McKee, Harrison, and Johnson, of Kentucky.]

The following is the substance of Mr. Calhoun's observations:

Mr. Calhoun called the attention of the Committee to the correspondence between the Committee of Ways and Means and the acting Secretary of War. It seemed by that correspondence

that, besides other instances of transfers of the money appropriated by Congress, from the objects to which it was intended, to some other not contemplated, the money appropriated to the construction of arsenals had in part been applied to the repairing of arms and erecting accommodations for the Quartermasters. These might be proper objects of expenditure. This was not the point of his censure. He objected that the money had not been applied to the objects for which it was appropriated. It was a sheer abuse of power, not justified by the existing laws, as lax as they unfortunately are on this point. The law authorizes a transfer (under the immediate direction of the President) of the money appropriated, from one object to another object also authorized; and in every instance, in which it is not done by his authority, or in which it is applied to an object not authorized, or where there has been a transfer of appropriation from an object, without there being a surplus of the sum appropriated to that object, he conceived it to be an abuse. The further we progress in this business, the more apparent is the necessity of abolishing the whole power of transfers. It has and will continue to introduce confusion and abuses in the disbursements of the public money. He regretted that the Committee of Ways and Means had not acted on the resolution which he introduced on this subject at an early period of the session; and, as late as it was, he hoped that they would report before its termination.

Every one, said he, who has been a member of this House long enough to make the observation, must be struck with the different degrees of attention which an appropriation and a tax bill excites. To the latter there is all attention, while the former excites less than most others; in fact there are few bills that excite less. What produces this difference? It is not because one is less important than the other. If in this respect there is any difference, he conceived that the former was most important. In laying a tax, there might indeed be danger of oppression, but if the appropriation is made to useless objects, or, what is worse, if the public officers are permitted to abuse their trust and squander the public money, it is lost to the community. Why, then, the difference of interest which they excite? It is to be found in a difference of their nature. The people know and feel the amount of taxes. It is generally unpopular to lay them, and popular to repeal. Stimulated by these motives, there are many who are ready to prove their zeal in this particular service; and to move their repeal whenever they can be spared, and even when they cannot without manifest detriment to the public. Very different is the case of the disbursements of the public money. Whether that is done with a due regard to the public interest, or whether it is fairly and honestly applied, are facts that excite in the people far less interest, because they are not so open to public observation. If the member who devoted his labor to the examination of the public accounts and the correcting of abuses was as certain to reap the reward of popular favor as he who moved the repeal of taxes, there would not exist so many abuses as there now are.

If the member from North Carolina (Mr. WILLIAMS) really wishes to render the public essential service, let him turn his attention to the bill now before the House, and not to the repealing of the taxes, before he knows whether they can be spared or not. This is the real path of patriotism, and, as the path of duty usually is, rugged and steep. It is in the disbursements of the public money that those dangerous disorders first strike, which finally end in the destruction of liberty. Abuses of this kind cannot be permitted without endangering the principles of our Constitution. It is in their nature to grow; and what was embezzlement at first becomes right in a few years. It is thus, if tolerated, an interest will grow in favor of abuses, which, from its nature, must ever be opposed to the power and reputation of this House. They who fatten on the public will be persuaded that, by destroying your political weight, they not only render themselves secure in their lawless gain, but that they may be greatly enlarged. Such an interest is ever in favor of the power of a single ruler. Hence is the necessity on our part, as the guardians of the community, to be vigilant, to suppress the first symptoms of abuse. We have the sole power to raise and apply money. It is the sinew of our strength. Not a cent of money ought to be applied, but by our direction, and under our control. How stands the fact? We are told that most extensive and superb stone barracks, sufficient to receive two thousand troops, have, the last year, been erected near Sackett's Harbor, though not a cent was appropriated to this object. It is even reported to have been done without the consent of the War Department. It is further stated that a military road is constructing from Detroit to Ohio. The barracks and road may be proper; if the soldiers are to be employed on them, it is much better than an idle garrison life. In fact, he knew not how the military can, in peace, be better employed than in constructing of such roads as may be useful in war. It was not to the thing itself that he objected. He censured the application of the public money to such objects, without ever submitting the question to Congress. It is an evil that cannot be tolerated, unless we are ready to become mere cyphers. These were not the only abuses. There were many, he feared, particularly in the Army.

In making these statements, Mr. C. was actuated by no ill will to any one. If it had been his misfortune to feel such, he could not be actuated by it in the discharge of his public duties, without forgetting all his principles. He stated them simply because he thought the best interest of the country required that they should be known and corrected. He could not agree with his friend from Kentucky (Mr. MCKEE) that all efforts at correcting such abuses are hopeless. He says it has not been done; and concludes therefore that it cannot. Mr. C. thought differ-

ently. There has been nothing like a concentrated and steady effort to effect the cure; nor had the times ever been so propitious. When party spirit is high, it is very difficult to undertake reformations of this kind. Factious views are sure to be attributed, and attributed with success, to the member who attempts it. Happily for us party spirit has, in a great measure, disappeared. We have peace not only abroad, but at home. Now, then, is the moment for this most salutary work. A proper degree of labor and firmness cannot fail of success. Very melancholy indeed would be our situation, if the evil were too inveterate to be cured but by lopping off the whole strength of the Government, as proposed by some. What, then, are the means which he proposed? In the first place, Mr. C. conceived it to be indispensable that our appropriations should be made in many respects more specific. He rejoiced to see the Committee of Ways and Means commence this system in the Ordnance department, and hoped they would extend it to the Quartermaster's, and to other heads where a general appropriation was now made. But specific appropriations were of no avail, under our present system of transfers. If that power of dispensing with law is to continue, he would be adverse to any estimates, but would put the gross amount of revenue under the direction of the President, to be used as he thought proper. It is then indispensable, that the right of transferring, or rather dispensing with appropriation, be repealed and prohibited. In the next place, the year for the appropriation and for expenditure should coincide. As it now stands, the appropriation is made for the year commencing the first of January, and the expenditure, for what is called the fiscal, commencing the 1st of October. The effect is, that we can never, without great labor, compare the appropriation of money to an object, with the expenditure. They both ought, in my opinion, to be made for the fiscal year; and, if we will insist that the accounts of expenditures be fully made up and laid before us early every session, it will of itself do much to reform. But to give the measures full success, we must proceed one step further. The committees appointed at the last session, on expenditures, must go to the respective officers, and descend into the details. This is indispensable, and it ought to be their duty to report the state of the expenditure fully to this House. He regretted that they had not done so this session. If these steps be pursued, and if the members of this House will turn their displeasure against any officer, from the highest to the lowest, who permits abuses, a great and immediate reform must be the immediate effect. We shall, then, no longer hear of arrearages, and accounts unsettled for years. Abuses will thus be corrected in the infancy, and the purity of our institutions preserved. He could not give into the system that to prevent abuses the taxes must be abolished. He saw no termination to the system, but in an entire prostration of the power of Government. In his opinion, our relation to the rest of the world did not admit of that system. We stand alone; all other established Governments were entirely dissimilar from ours. We ought to be the strong man armed. We knew not when the whole of our strength might be needed. He was not an alarmist; but in his opinion self-defence is the first of political duties. He hoped that peace, moderation, and justice, would ever be pursued by our councils; and that the fruit would be exemption from war. But we ought to be prepared for the worst. His policy was to draw freely from the people when the public interest requires it; but to see that the public money be truly, wisely, and economically applied. He could not agree with the member from North Carolina, (Mr. WILLIAMS,) in dispensing with the internal taxes. Instead of that system, let us maintain them, and apply as much of our revenue as possible to the discharge of the public debts. He was no friend to a debt, large or small. He wished it to be paid off to the last cent immediately. Behold in England the ultimate effects of a debt accumulating from age to age! A population of the most unparalleled industry bowed to the dust by the pressure. Let us profit by the example, and, in this moment of peace and prosperity, remove the public burden. Having performed this act of justice to posterity, we then may make reductions in the amount of taxes, both external and internal; and, should it be our misfortune to be involved in hostility, we would find ourselves freed from debt, and with perfect method and economy introduced into our money transactions. Thus happily situated, the full energy of the public power might be executed, and danger be met with a greater prospect of success.

The bill having been gone through, it was reported to the House, and ordered to be engrossed for a third reading.

SATURDAY, February 15.

Mr. HALE presented a petition of sundry merchants of Portsmouth, in the State of New Hampshire, stating that previous to the year 1800, many of their vessels, with their cargoes, were captured by French cruisers, and condemned by the French tribunals, and that their claims to indemnity on the French Government were abandoned by the Government of the United States, in the convention of 1850; and praying such relief in the premises as it may be in the power of the Government to grant; which petition was ordered to lie on the table.

Mr. JACKSON, from the committee appointed on the part of this House, in pursuance of the joint resolution "to ascertain and *report* a mode of *examining* the votes for President and Vice President of the United States, and of *notifying* the persons elected of their election," made a further report, which was read and ordered to lie on the table.

Mr. PICKENS, from the Committee on Public Expenditures, to which was referred the petition of Colonel James Thomas, late a Quartermaster

General in the armies of the United States, and the report of the select committee made at the last session upon the settlement of his accounts, made a detailed report thereon; which was read and ordered to lie on the table.

Mr. PICKENS, from the same committee, also made a report on that part of the petition of the said Colonel Thomas, which relates to his claim for extra-official services and for expenses incurred in transporting his baggage; which was read, and the resolution therein contained was concurred in by the House, as follows:

Resolved, That the claims of Colonel Thomas, referred to in his petition, for extra services and expenses, ought *not* to be allowed.

Mr. JOHNSON, from the Committee on Military Affairs, to which was referred the bill from the Senate, entitled "An act for the relief of Jacint Laval," reported the same without amendment; and the bill was then read the third time and passed.

The SPEAKER also laid before the House a letter from the Acting Secretary of War, transmitting information respecting the expense of the Military Academy at West Point, from the year 1801, to 1816, the number of students educated at the said academy, and of the number of those who have been appointed officers in the Army of the United States, rendered in pursuance of the resolution of this House of the 25th ultimo; which were ordered to lie on the table.

On motion of Mr. LITTLE, the Acting Secretary of War was ordered to cause to be laid before this House the official report made to the Adjutant and Inspector General, and by whom made, of the mutiny said to have taken place at Norfolk, of a part of the late 38th United States' regiment of infantry, together with the names and number of those concerned in said mutiny.

On motion of Mr. EDWARDS, the Committee of Ways and Means were instructed to inquire into the expediency of amending the laws imposing duties on distilleries, so as to allow persons distilling spirits from fruit the option of paying the duty on the quantity distilled.

On motion of Mr. BETTS, the Committee on the Judiciary were instructed to inquire into the state and usual disposition of the funds under control of the district court of the United States, and into the expediency of requiring from the officers of those courts additional securities in relation to such funds.

An engrossed bill entitled, "An act making appropriations for the support of Government for the year 1817," was read the third time and passed.

APPROPRIATION BILLS.

The House then again resolved itself into a Committee of the Whole, on the unfinished business of yesterday—being the bill making appropriations for the Military Establishment for the year 1817.

The bill underwent some changes in committee, besides the necessary duty of filling the blanks—amongst them, the rejection of the section making an appropriation for the erection and completion of buildings at West Point, which motion was sustained on the ground, that the buildings had been commenced without authority from the Government; that it was necessary to authorize and control all the public expenditures; and that the appropriation of $47,000 was now asked for, without showing how the large appropriation of last year had been expended, &c. The motion to strike out the section was supported by Mr. CALHOUN and Mr. EDWARDS.

A good deal of discussion took place on the several appropriations moved to be inserted in the bill, for the Military Establishment, &c., and a very active disposition was manifested by the House to scrutanize into the expenditure of former appropriations, and into the necessity of those now called for; as well as to reduce the appropriations to distinct and well defined heads, rather than to make general appropriations for several objects.

The Committee having gone through this bill, took up successively the bill making additional appropriations to defray the expenses of the Army and militia during the late war; and the bill making an appropriation for the support of the Navy for the year 1817; which underwent the same course of investigation; after which the Committee of the Whole rose, and reported the several bills, as amended, to the House.

The House took up successively these bills, as amended, and after spending considerable time in busily considering the various amendments, and disposing of the same, the bills were severally ordered to be engrossed and read a third time.

MONDAY, February 17.

Mr. LOWNDES, from the Committee of Ways and Means, reported a bill supplementary to an act, entitled "An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments;" which was read the first time, and ordered to be read a second time to-morrow.

Mr. PLEASANTS, from the Committee on Naval Affairs, to which was referred the petition of Captain Teakle Savage, reported a bill authorizing the payment of a sum of money to Teakle Savage and others; which was read twice, and committed to a Committee of the Whole.

Mr. MCKEE, from the committee appointed on the 24th ultimo, reported a bill repealing the act passed on the 22d day of April 1800, and fixing the command of the corps of marines; which was read twice, and committed to the Committee of the Whole House on the bill from the Senate providing for the prompt settlement of public accounts.

Mr. MCKEE, from the same committee, also reported a bill repealing the act entitled, "An act for the safe-keeping and accommodation of prisoners of war," passed on the 6th July, 1812; which was read the first time and ordered to be read a second time to-morrow.

On motion of Mr. MILLS, the Committee on the Judiciary were instructed to inquire into the

expediency of making further provision by law for regulating the fees of district attorneys of the United States.

INTERNAL DUTIES.

The House then proceeded to consider the proposition, submitted by Mr. Williams a few days ago, that it is expedient to repeal the internal duties.

Mr. Johnson, of Virginia, addressed the Chair as follows:

Mr. Speaker, I am extremely sorry that the resolution on your table, and those by whom it is supported, should have experienced such unmerited treatment. How long, sir, has it been settled, that the rights and the interests of the American people shall be exclusively confided to the few members of this House who compose its standing committees: or, more peculiarly, to the still smaller number appointed to preside over these committees? Is it presumptuous, or criminal, in any other member of this body, to submit a proposition, which he believes calculated to promote the interest, the prosperity, and the happiness of the nation? Are the laws imposing taxes to remain fixed and unalterable, except by the will and pleasure of the Chairman of the Committee of Ways and Means, or by the will and pleasure of the chairman of some other important standing committee? Shall no other member dare to propose the repeal of any revenue law, lest he be denounced as a miserable time-serving trimmer, and hunter after popularity? and by gentlemen who are perpetually averring the purity of their own motives; who represent themselves as the disinterested guardians of the interest and happiness of the people; who assure us, that they regard popularity as light as air, and still seem to consider it so delightful to float on the popular wave, that others would be prepared to sacrifice their principles, their integrity, and their honor, in order to catch the delightful breeze, and to float on the current.

I deem it not only the right, but the sacred and indispensable duty of every member of this House, after he shall be satisfied, from a careful, an accurate, and a dispassionate investigation of the state and situation of the funds and resources of the nation, that the proceeds of a particular tax, or system of taxes, are no longer necessary, either to a liberal and honorable compliance with existing contracts and engagements, or to an expenditure suited to the resources and the dignity of the nation, to use his exertions to relieve his constituents from the tax, or system of taxes.

Permit me to inquire whether either of these objects renders a continuance of the internal taxes and duties necessary? I presume that I shall be called on for my system of finance, and be told by some stickler for national honor—by some gentleman who, during this period of sunshine and prosperity, has suddenly become a warm advocate for national integrity and honor, and who, during the war, either forgot that the nation had any honor to preserve, or who, during that period of tempest, utterly disregarded the nation's honor—that it is very common for young politicians to propose the repeal of laws imposing taxes, without considering, or attempting to show, how the proceeds of the taxes can be dispensed with, or the adequate and necessary amount derived from other sources of revenue. Sir, I have not the vanity to submit a scheme of finance; nor is it necessary that I should submit such a system. I beg leave to refer to the annual report of the Secretary of the Treasury, and to the report of the Committee of Ways and Means, made on the 14th of January, 1817. From these documents, it is not only fairly inferrable, but demonstrable, that, for no legitimate object of the Government, either in reference to its existing debts and contracts, or for any necessary expenditure, can it be required to continue this inconvenient, vexatious and oppressive train of internal taxes.

The Secretary of the Treasury presents us, in his annual report, with a scheme of finance for the next four years. By his estimate, after meeting, with good faith, every public engagement, and extending to the public creditors a liberality which they neither merited nor had a right to expect, at the end of the next four years, an excess of revenue, beyond the necessary expenditure, of eight millions four hundred thousand dollars, will remain to the Government, (see annual report, page 13.) This estimate (let it be remembered—I hope it will be recollected by the House) is based on the following principles, viz: the Peace Establishment to remain as fixed by the law of the last session; the Army to be kept up at ten thousand men; the appropriation for the gradual increase of the Navy to continue; and an addition of three millions of dollars to be made to the Sinking Fund; two millions to be permanently added to the Sinking Fund; one million to be paid to the Commissioners of the Sinking Fund annually, out of any money in the Treasury not otherwise appropriated, if such payment can be made; leaving a balance, at the end of the year, of $2,000,000 in the Treasury: which additional sum shall be applied to the redemption or purchase of the principal of the debt. It is known, to all who have attended to the subject, that every Secretary of the Treasury, in making an estimate for any given number of years, always estimates the expenditures of the Government at the largest sum authorized, or likely to be authorized, within that period; and estimates the probable receipts during the same period at the smallest possible sum. This is rendered necessary, not only by prudence, but by a proper respect for justice, and a due regard to the peace and tranquillity of the nation. In support of this proposition, I have the opinion of the Committee of Ways and Means, expressed in their report of the 14th of January, 1817, and the fact resulting from the report of the late Secretary, Mr. Dallas: in his annual report for the year 1815, he estimated the revenue which would accrue, during the year 1816, from the customs, at $17,000,000. The actual excess in the customs, beyond the estimate of 1815, was $15,000,000; this is proved

by the last annual report. Apply this reasoning to the present Secretary's estimate for the next four years. Take the estimate for the year 1818—the customs are, in that year, estimated at $10,000,000; a reduction in that source of revenue of twenty millions of dollars, a sum very nearly double the amount which it is estimated will be received into the Treasury during that year. Is it reasonable, can it be believed, however intemperate the spirit of speculation may have been since the return of peace, that in two years the amount of revenue, derivable from customs, will be reduced from thirty-two to twelve millions of dollars? It is not to be anticipated. The Committee of Ways and Means do not anticipate it. Their report proves most conclusively that they do not. But the Committee of Ways and Means and the Secretary of the Treasury differ materially in their views of the policy of the Government. I am pleased to see this difference of opinion: it is an evidence of independence. Whilst the Secretary of the Treasury considers that it would be unsafe to vest the whole of the surplus revenue of the present year in the Commissioners of the Sinking Fund—or, as I presume, to go beyond three millions of dollars, for that is his proposition—the Committee agree to raise the permanent fund from eight to ten millions of dollars; and they propose that, in addition to the permament and regular appropriation, there should be paid, in the year 1817, to the Commissioners of the Sinking Fund, the sum of nine millions of dollars, together with four millions to be considered as an advance on account of the regular appropriation of the succeeding year: thus to raise at once, within the present year, the Sinking Fund to twenty-three millions of dollars. Without deciding at all upon the comparative merits of the two plans, I ask if justice or liberality can require the Government to go thus far in the anticipation of its payments: and to whom? To a set of men (with a few exceptions) who, during the late war, took every advantage of the distresses and necessities of the Government, and made loans at the most exorbitant interest.

If neither justice nor liberality require the Government thus to anticipate the discharge of the public debt, does true policy dictate the measure? I think not. What portion of the public debt is redeemable at the pleasure of the Government? That portion only which has been subscribed to the Bank of the United States; not made thus redeemable by the terms of the contracts, but rendered so by the charter of the Bank of the United States. It is a condition in the charter, that the funded stock which may be subscribed by individuals to the Bank of the United States is redeemable at the will of the Government. Shall we instantly redeem that portion of the debt? I have no question but that some stockholding member will oppose the immediate redemption of that portion of the public debt, as impolitic, (let it be remembered that the Government is a stockholder,) unjust to the bank, and calculated to depress the sale of the stock abroad. Shall we go into the market on a scheme of speculation, with fifteen or twenty millions of dollars, to purchase up our own debts? What will be the effect? The inevitable result must be, to raise the price of the stock. This would be an entire departure from the plan of the Secretary of the Treasury. He proposes that the purchase shall be made only on the condition that the six per cent. stock can be purchased at par, or the seven per cent. stock can be purchased at six per cent. premium.

But this sum is to be transferred to the Commissioners of the Sinking Fund, either with the condition that is to be invested in the public stock on the above terms, that is, with the uncertainty of being able to buy up the stock, or they are to go into the market and make the purchase, at any price, which the cupidity of the stockholders may induce them to demand, and this on the idea, that the surplus in the Treasury would otherwise remain unproductive, or yield to the Government no interest.

We are frequently assured that, with the expenditure already determined on, without the aid of the internal duties, the receipts at the Treasury would be inadequate to meet the demands on the Government for the next four years; that the Treasury would be left empty, and without a dollar. This doctrine is pressed upon us by members of the Committee of Ways and Means, particularly by an honorable gentleman from Maryland (Mr. SMITH.)

I know, sir, it is very uninteresting to be engaged in the examination of lengthy documents. But I must again trespass on the time of the House by an examination of the annual report. From this report, to which we all look as furnishing the most correct view of the facts connected with the revenue, it necessarily results, that if we act on the plan proposed by the Secretary, that every demand on the Treasury can be met with good faith, without the aid of the internal duties, and that a surplus will still remain in the Treasury, at least equal to that which he proposes should at all times remain there. Assuming the facts contained in the annual report as data, I beg leave to present to the House a statement in figures of the revenue on the plan of the Secretary.

The receipts into the Treasury in the year 1817 are estimated at	$30,650,000
To which add the balance in the Treasury on the first day of that year	10,000,000
	40,650,000
The expenditure for that year, including the proposed addition of $3,000,000 to the Sinking Fund, estimated at	25,000,000
	$15,650,000

Ways and Means for 1818.

Balance in the Treasury on the first day of that year		$15,650,000
Receipts into the Treasury	16,250,000	
Deduct internal duties	2,500,000	
		13,750,000
		29,400,000

The permanent expenditure, including the proposed addition to the Sinking Fund, estimated at - - - -		23,500,000
		$5,900,000

Ways and Means for 1819.

Balance in the Treasury on the first day of that year - - - - - -		$5,900,000
Receipts into the Treasury	22,750,000	
Deduct internal duties, - -	2,500,000	
Bonus, U. S. Bank, payable this year	500,000	
	3,000,000	
		19,750,000
		25,650,000
Permanent expenditure, as above stated		23,500,000
		$2,150,000

According to this estimate, which is made in strict conformity to the plan submitted by the Secretary of the Treasury, on the 1st day of January, 1820, a surplus of revenue would remain of $2,150,000. In this estimate the internal taxes are not deducted for the present year, because it is evident that the repeal of the laws imposing the internal taxes and duties must, in order to be just in its operations, be prospective. Nor has any deduction been made for the three years' interest on the stock held by the Government in the Bank of the United States, which, on $7,000,000, at 5 per cent. per annum, would be $1,050,000; because the Government, in the estimate made by the Secretary, received no credit for interest on this stock.

Depart from the plan proposed by the Secretaay of the Treasury, and adopt that recommended by the Committee of Ways and Means, in their report of the 14th January, already referred to, and the statement would stand thus:

The receipts into the Treasury, for 1817, including the balance on the first of the year - -	$40,650,000
Deduct expenditures for the present year, including permanent addition of $2,000,000 to the Sinking Fund, which they agree to - - - - - - - -	24,000,000
	16,650,000

Which would leave in the Treasury, on the 1st of January, 1818, $16,650,000, which would place at the disposition of the Government, within the present year; leaving in the Treasury two millions of dollars, the sum of $14,650,000, in addition to the two millions permanently added to the Sinking Fund, to be applied to the redemption or purchase of the public debt. If the repeal of the laws imposing internal duties take effect from the passage of the repealing act, it would reduce the sum to be thus used in the redemption or purchase of the public debt, within the present year, exclusive of the two millions permanently added to the Sinking Fund, perhaps to $12,000,000. With the only difference that we should consider the advance made in this year on account of the next and succeeding year, as not limited to $4,000,000, as the Committee of Ways and Means have done, but to any portion of the sum beyond the regular appropriation of $10,000,000, which the deficiency in the revenue for those years might require. I anticipate no such deficiency. I am convinced that the customs for 1818 are estimated too low by several millions of dollars. It is evident that on this point the Committee of Ways and Means agree with me.

I have thus pursued the investigation, in reference to the several relations which the subject necessarily presents. I am persuaded that under no view which can be taken of the subject, can a single doubt exist as to the propriety and expediency of repealing the laws imposing internal taxes and duties on the people of the United States. That neither justice to the public creditors, nor true policy on the part of the Government, can require a continuance of those internal taxes and duties.

One other view of the subject remains to be taken. It is said that the system of internal taxes ought to be continued, in order to produce a perfect equality of taxation throughout the United States. The excise law, or the law imposing a tax on distillation, is selected as one of the most desirable character in the whole system, to be continued. It is said to be perfectly equal in its operation. The fallacy of this doctrine will be made obvious by the slightest attention to facts. The improvements made in the art of distillation in modern times, and which can only be introduced into the large establishments, have destroyed everything like equality in the operation of the tax on the distiller. In the year 1798, in consequence of a great scarcity of grain in the Kingdom of Great Britain, in order to prevent the distillation of spirit from grain, an act of Parliament was passed, imposing a tax (I think) of ninety-six pounds sterling a gallon on the capacity of stills, used in the distillation of spirit from grain. This was supposed to amount to a prohibition. Scotch ingenuity very soon discovered the mode of distilling even under this excessively high tax. It was found that by changing the figure of the boiler, so as to expose a much larger surface of the fluid to the immediate action of the heat or flame, that the process would be so quickened as to enable the distiller to continue his operations and to pay the tax to the Government. I do not pretend to be critically versed in the revenue laws of Great Britain; but, if I am correctly informed, the capacity tax under that Government has been very considerably increased since the year 1798, and the distilleries still go on. A patent, within a few years, has been taken out in this country, for a still, which it is said will run off from twenty-five hundred to three thousand gallons a day. Can any man at all conversant in the process of distillation believe that any tax on the capacity of stills can operate equally on the individuals engaged in the distillation of spirit from fruit, who use, and who are compelled to use, the old fashioned globular boilers; and those engaged in the distil-

lation of spirits from grain by the highly improved patent stills?

The people whom I represent have long been engaged in the culture of fruit trees. It requires from eight to ten years for an apple orchard to attain its maturity. All the manure raised on a farm is generally bestowed on the lands employed in the cultivation of orchards. It is known that no crop can be cultivated to advantage on land covered by a full grown orchard. The uncertainty of a crop of fruit in the southeastern part of Virginia, is a melancholy truth, well known to all who reside in that part of the State. During the war, and the continuance of the direct tax, this people were not only highly but doubly taxed on their orchards. A highly cultivated orchard, which bears a proper proportion to the size of a farm, adds very greatly to its value. In the assessment under the law imposing a direct tax, the lands were more highly valued on account of the orchards; they paid then a tax on their orchards in this shape, and in addition a tax on each gallon of spirit distilled. The local militia, in consequence of their vicinity to Norfolk, were exposed and much harassed. They were in the course of one year called out three times *en masse*. They bore all these privations and hardships without a murmur; they paid the war taxes with pleasure; and, whenever an opportunity offered, they presented their bosoms to the balls and the bayonets of the enemy. They are patriotic—they are attached to their Government. They will at all times be prepared to encounter danger, to meet hardships, and to suffer privations, when the necessities of the Government require the exercise of those virtues. But, sir, they will complain, if a vexatious, inconvenient and oppressive train of internal taxes and duties be continued, when the necessity which required their imposition has ceased.

Mr. SMITH, of Maryland, entered into an examination of the fiscal part of this question, with a view to show that, if the report of the Committee of Finance on the Sinking Fund should receive the sanction of the House, these taxes could not be dispensed with.

Mr. CANNON, of Tennessee, followed, on the same side of the question, and advocated, as connected with the repeal of the internal taxes, the reduction of the Army, which he considered desirable, independently of the question of reducing the taxes necessary to support it.

Mr. WILLIAMS said it was at the request of a number of gentlemen who were friendly to the subject of the resolution now before the House, and in consequence of what was said by the gentleman from South Carolina, the chairman of the Committee of Ways and Means, (Mr. LOWNDES,) that he did not call up the resolution on Saturday last. The chairman of the committee said we might go on with the appropriation bills, and if afterwards the House should determine to abolish the taxes and reduce the Army, the expenditure would be according to that reduction, and not according to the appropriation; for example, if we made appropriations to support an army of ten thousand men, and afterwards reduced the army to five thousand, the expenditure would be in proportion to the five, and not to the ten thousand.

Mr. W. said it had struck him as a very singular fact in our proceedings, that we should be first called upon to make the appropriations, to become, as it were, pledged to a certain amount, and then proceed to ascertain our means to raise the money; and to do that last which ought to have been done first. This, he said, was repugnant to all the maxims of common prudence in private life. No man, when about to build a house or improve a farm, would precipitately execute the object, and then count the cost; but he would, in the first place, examine all his sources of income; he would estimate the probable amount of his revenue, and then proceed to the objects on which that revenue was to be expended. It was for the purpose of changing the order of our proceedings in that particular, that he was anxious to see the tax bills exhibited in the House every year, and acted upon finally, before we had appropriated a single cent to defray even the civil list and contingent charges of Government. Then we could accommodate the appropriation to the money at our command; then, in the words of the old adage, we should cut the coat according to the cloth. But the gentleman from South Carolina had assured the House that if any reduction was made, the expenditure would not be according to the existing establishments, but rather in proportion to whatever reduction of the establishments the House may hereafter think proper to adopt. This assurance, coming from the honorable chairman, had removed his impressions as to the necessity of acting immediately on the resolution submitted by him on Friday. That gentleman, Mr. Speaker, (pointing to Mr. LOWNDES,) at all times and on all occasions, has conducted himself in this House so as to secure not only the confidence and esteem, but I believe the admiration of every member on this floor; but while I pay this just tribute to the merits of that gentleman, I must be allowed to say, that I think he was incorreet when he stated, in reply to the remarks I made on Friday, that I had failed to show any sufficient reasons in support of the resolution then under consideration.

I offered the resolution from a sense of duty to this nation—from a regard to those principles which certainly at one time were deemed orthodox, and upon which the Republicans secured the confidence and support of the people of these United States. In reply to the call made by the gentleman, I stated that the taxes were continued last year on the ground that they were imperiously and absolutely necessary; that it was estimated by the Secretary of the Treasury that the whole revenue of 1816, arising from commerce, the direct tax and internal duties, would be something more than twenty-five millions of dollars; that it was more than thirty-eight millions of dollars—making a difference of about thirteen millions between the estimate and the revenue

which accrued. Seeing this, I felt justified in stating, that I could not put implicit confidence in the Treasury reports, and that I was unwilling to continue the tax on the people of this country, when it did not appear to be necessary.

Gentlemen now offer the same arguments in favor of continuing the taxes which they urged last year. But as the results of the present year prove, beyond all doubt, that their arguments on the former occasions were fallacious, I therefore contend that they are fallacious now, and deserve no more weight or influence with this House than should have been given to the falsified arguments of last year—falsified, I mean, by the actual results of the present year, and so made known to us by the Secretary of the Treasury in his annual report.

In connexion with this view of the case, I mentioned, that it was a part of my plan to reduce the Army; that a proposition to this effect was lying on your table, and subject to be called up at any time; that if the taxes were necessary to support an army of ten thousand men, they could not be necessary to support that army, reduced to the number of five thousand.

Having made these statements, and relying on them to support my proposition, I felt that I had sufficiently answered the call of the gentleman from South Carolina. But, sir, I was not bound to show (even thus far) the practicability of dispensing with the taxes; on the contrary, those who are for continuing them must show the impracticability of such dispensation. If any one calls upon me for a debt, my first inquiry is, whether the demand be just; if just, I pay it—if unjust, I refuse payment. In like manner when the people of this country are called upon for taxes, it is incumbent on Government, or on those who speak its language on this floor, to show that the taxes are necessary; if necessary, there is no nation on earth more willing to pay them than the people of the United States. If unnecessary, the people will refuse payment, and they ought to do so. Upon this ground, then, I say the burden of proof lies on the gentleman from South Carolina. Let him show (and no one is more able to do it than himself) that these taxes are necessary, and, my word for it, the people will cheerfully pay them.

The report, sir, of the late Secretary of the Treasury to the President, and the report of the present Secretary, have both gone abroad in the community. From these reports the people expect, nay, demand, a repeal of the taxes. But in addition to all this, the people have the solemn promise of Congress, expressed in the acts of 1813 and 1814, that these acts would continue one year after the war, and no longer. And can it be a fit way to govern this nation, to assure the people, in the solemn form of a legislative act, that taxes would cease to exist one year after the war; and when it appears to be perfectly in your power to comply with the assurance, to refuse it? No, sir, the better way is to comply with your promise immediately, by repealing the taxes. Then we may not only expect, but challenge the confidence and support of our fellow-citizens. I did not expect, when I introduced the resolution, that it would excite unpleasant feelings in the mind of any one. But it appears to have had that effect upon the gentleman from South Carolina, (Mr. Calhoun,) who generally sits near me. That gentleman seems to have a prescriptive right to know and expound the motives of others, when they differ from him in opinion. On many occasions he has intimated that members who differed from him were aiming at popularity! Sir, it was well said by a poet of ancient date, but immortal fame, who satirized the vices of man in the Augustan age, that we were blind as to our own faults, but eagle-eyed as to the fault of others; and were always most apt to condemn others for the very faults to which we ourselves were most liable. In no other way can I account for the propensity of the gentleman always to charge others with aiming at popularity, than by supposing that he measures the conduct of others by the standard which exists in his own breast. I here beg leave to inform the gentleman that if he does not mistake his own temper, he very much mistakes that of others, when he supposes that such reflections will drive them from the position they have taken.

After the subject of the resolution I had introduced was disposed of; after the House had determined to proceed to the orders of the day, the gentleman rises in his place, and gives us a long lecture on economy. Who, sir, could have thought that the gentleman would condescend to use that word, so unfashionable, so unusual in the vocabulary of an independent politician! But the gentleman said he had no view to popularity in pronouncing his lecture on economy, and we are bound to believe it, because he said so. If, however, he had been disposed to mount the hobby-horse which of all others was most fleet and likely to distance the whole turf, he could not designedly have selected a better one for that purpose, than the one on which he happened to be mounted by mere accident.

The gentleman seemed also to complain that the statements produced to support my proposition were not satisfactory. Permit me now, sir, to inform him that I read Treasury reports as he reads the Constitution; that, as he reads the Constitution and interprets it liberally for the purpose of raising and spending money; so I construe liberally the reports of the Treasury, for the purpose of saving money.

The gentleman said he did not read the Constitution with the technical subtleties and refinements of a lawyer, but he read it for the purpose of understanding that it contained a liberal grant of powers to Congress; that the first impressions made on his mind when reading the Constitution with this view were more lasting as well as generally more correct. Shall I not be at liberty, then, to say that the first impression made on my mind when reading the Treasury report was, that we might dispense with the taxes? and nothing has yet occurred to remove that impression. If the gentleman feels justified in obeying first

impressions in regard to the Constitution, the supreme law of the land, he certainly will not condemn me for obeying the same impressions in regard to the Treasury report, which are not laws, nor supreme laws, but in many respects mere matters of opinion.

The gentleman from Virginia, on the other side of the House, (Mr. SHEFFEY,) likewise complained that the statements offered in support of the proposition were not satisfactory. He said that young politicians might suggest an abolition of taxes, &c., but that those of more experience ought not to sanction such attempts. I admit, sir, that I am a young politician, but while the gentleman from Virginia would condemn me for not being experienced in the virtues of a political life, I trust he will allow me to indulge the consolation of not being very much hackneyed in its vices.

I have said, Mr. Speaker, that, on reading the Treasury report, I was convinced we might dispense with the internal taxes. If I failed in the opinion of some gentlemen to show this when the subject was partially debated the other day, no one can now entertain a doubt of it, since the very able and perspicuous view taken of the subject by the gentleman from Virginia, (Mr. JOHNSON.) He has proved to you, sir, that from the Secretary's own statements those taxes are not necessary. What better evidence can we want than the statements proceeding from that department? We know that Treasury estimates are always too low. If these estimates, curtailed and reduced as they always are, do admit the conclusion that the taxes may be removed, shall we not urge it in the discussion? Surely I think it may be urged as the best evidence which the nature of the case will admit. The Government we will say is anxious to keep on the taxes, for reasons which I shall not attempt to expound. The estimates of the Treasury Department are made, if not expressly to insure their continuance, at least with an inclination that way. But the Secretary's own statements, as they were exhibited and declared by the gentleman from Virginia, prove that the taxes may be discontinued. Shall we not then act upon that evidence? Shall we not deem it conclusive of the fact, and repeal the taxes accordingly. I, sir, for one, am determined to support the repeal, and am willing to incur all the responsibility of such a measure.

But gentlemen contend that the taxes may be required some three, four, or half a dozen years hence; and profess an unwillingness to pull down that which it may possibly be necessary to build up hereafter. If, according to the estimates, the taxes may be necessary after the lapse of three, four, or six years, I would, for the purpose of combatting that idea, reply that the estimates are too low; that they fall far short of the amount which will be received, and consequently that no deficiency can be apprehended at the end of that time. The estimates for the last year fell short of thirteen millions of the amount which accrued. Have we not then good reason to suppose that it will be the case again?—that the revenue hereafter to accrue will as much exceed the estimates, as the revenue of 1816 exceeded the estimates of that year? If the late Secretary of the Treasury could not tell with any sort of accuracy the revenue for 1816, I do not know how the present Secretary should determine with precision the revenue which will accrue in any subsequent year. I mean no disparagement to the memory of the late Secretary, when I say that he completely failed in his estimates of the revenue for 1816. For the present Secretary, no one in this House, I am persuaded, has a greater regard than myself; my acquaintance with him convinces me that he is an intelligent, independent, and honorable man. But, as the late Secretary fell short in his estimates, I contend that the gentleman now at the head of that department must also be incorrect; and that he cannot determine with precision the revenue which will hereafter accrue.

Take for example the following:—"The revenue receivable from the customs in the year 1818, (says the Secretary,) will be only twelve millions of dollars!" But the revenue arising from customs in the year 1815, amounted to $36,643,598, and during the three first quarters of 1816, to $30,000,000. Now, sir, by what rule of arithmetic, or series of deterioration is it, that the revenue arising from the same source in 1818, will be only twelve millions? Will not the country increase in wealth and population during that time? Will not the consumption and of course the demand be progressively augmented? I admit that our merchants may have overtraded themselves, and from this circumstance that the importation of goods will not be so great in 1818, as it was during the years 1815 and 1816. But that the defalcation will be so great as to reduce the revenue, in 1818, to twelve millions, I can never admit. The gentleman from Maryland (Mr. SMITH) has just said that the estimate of the Treasury for 1818 is too low. The experience of that gentleman, particularly in all subjects relating to commerce and finance, is such, as to justify the House in relying on his statements and opinions; and, notwithstanding his anxiety to continue the taxes, he could not but say that the Secretary's estimate fell short at least by two millions of what would probably be received. Taking all these things into view, I should, as to my own individual opinion, be rather inclined to suppose that it would settle at some intermediate point between $36,643,598, the revenue of 1815, and twelve millions, the estimate of the Secretary for 1818, that is, that between twenty and twenty-five millions will probably be the revenue for 1818.

No one who looks at the accumulating wealth, increasing numbers, rising importance, and growing grandeur of this country, can, I think, be authorized to conclude that the revenue, in 1818, will be reduced to the inconsiderable sum of twelve millions of dollars. The Secretary himself tells you that it is extremely difficult to make any estimate on which reliance can be placed; that in the three first quarters of 1816, the reve-

nue from the customs averaged nine millions a quarter; but that in the last quarter of that year it fell to a third of that average. Upon this minimum of three millions, arising in the last quarter of 1816, I presume he founds his calculations for the year 1818, and says the revenue will be twelve millions. I perceive no other data for the calculation, and I submit it to gentlemen whether it would not have appeared more reasonable, if he had taken, as the basis of it, a medium of the whole amount of the customs for 1816. I think we have as great a right to presume upon a medium for the basis of our calculations, as the Secretary had to presume upon a minimum for the basis of his calculations. Taking, then, for the basis about six millions as the quarter-yearly revenue arising from the customs, it will be found that we shall not, at any future period, want the money arising from the internal duties. If we take four millions for the basis, still the same result follows, that the internal taxes will be unnecessary.

When we see that in one year the estimates of the Treasury have fallen short by thirteen millions, have we not more than probable cause to suspect similar inaccuracies in future? And does not this fact strengthen the view which has been taken in opposition to the Secretary's report? Evidence which fails in one point, may justly be supposed to fail in another. And seeing we were told, last year, that the taxes were necessary, and now find that they were not, it should not be expected that we would concur in opinion either with the Secretary, or with gentlemen on this floor, that the taxes ought to be continued. No, sir, the more I reflect on the subject, the more I hear it discussed in this House, the more I am confirmed in the opinion I first had, that the taxes can be discontinued, and that Congress should immediately adopt measures for that purpose.

Another objection against keeping up internal taxes in time of peace, may be deduced from the form of our Government and the nature of our people. The learned expositors of the Constitution, in the letters signed *Publius*, have said, that the General Government should not calculate on any considerable revenues from internal taxation. This source may yield supplies in cases of great emergency, but never was intended as a permanent income to the General Government.

In what does a Republican Government, like ours, materially differ from the rotten institutions of Europe, if not in the cheapness with which it is conducted, and the exemption of its citizens from taxation? If a Republic is to be preserved pure and uncontaminated in its principles, let the people never be taxed beyond what is absolutely necessary to the management of their affairs in a cheap, plain, and economical way. Never permit the people to be broken into taxation, as was forcibly said the other day, by the gentleman from Virginia, (Mr. Randolph.) If they should be broken into taxation; if they become oppressed with impositions of this sort, they cannot feel greatly attached to their Government, merely on account of its being called a Republic. If the time, sir, should ever arrive, when the people of the United States are galled with the yoke of taxation; when their high-minded love of freedom shall have been effectually assailed through that means, my word for it, they will be indifferent to any change which may be attempted by the designing. Suppose they were taxed in proportion to their wealth and population, or as excessively as the subjects of European Governments. Could they, I ask, give so unbounded a preference to their own Government over all others as they now do? No, sir, they could not. And, believe me, when I say, that if the citizens of our Republic were as much loaded with taxes as the subjects of other Governments, they would, probably, nay, perhaps, certainly, entertain as little regard for it, as these subjects do for the Governments under which it is their misfortune to live.

But gentlemen contend that we ought to continue the taxes for the sake of the system; that this system operates as a chain to bind the affections of the people to the Government; that when the Government ceases to lay taxes, the people cease to feel the power by which they are protected, and, of course, cease to have reverence and affection for the Government! All of this is repugnant to the plainest dictates of reason and experience. The best way to attach the citizens to the Government is, to keep your hands out of their pockets; to permit them to walk abroad in their own majesty, free from importunity, solicitation, or demand; and upon this point experience speaks with wonted authority. The Administration of Mr. Adams was distinguished for a number of taxes. Mr. Jefferson succeeded him, and abolished those taxes. To which of these Administrations did the people yield their confidence and support? According to the doctrines advanced they must have loved Mr. Adams and his Administration, more than Mr. Jefferson and his Administration, in proportion as they were taxed by the former more than the latter. But the history of those times amply testifies to the contrary. Nothing appears more preposterous than the idea that we must keep on the taxes for the purpose of letting the people know and feel the power by which they are protected. The people will always know you as well, and respect you much more highly, if you do not teaze them constantly for a portion of their earnings.

In this system of revenue, we were obliged to employ a host of officers, who live on the vitals of the community, who do not add anything to the productive labor of the country, but fatten on the substance of others. The great, leading, and substantial interest of this country is that of agriculture. This interest, described by an author of no inferior reputation, as the nurse of the human race, the source of health, plenty, and innocent pleasures; the preserver of morals, and the school of the virtues, ought to be encouraged and promoted above all others. But this host of officers, instead of being thus engaged, instead of contributing anything to the wealth of the coun-

try, are spending their time in indolence and ease; are growing rich upon the hard earnings and frugal savings of the laborer. Can it be consistent with our interest as a people, but more particularly with our interest as a nation of agriculturists, that these things should be permitted to exist, when not indispensably necessary? For my part I never look at the collectors of internal duties, without emotions which I shall not undertake to describe.

The expense of collecting the internal duties is another item which ought not to escape notice. From the returns which have been made, it appears that the expense of collecting is, to the amount received, as one to ten; that the expense of collecting the customs is, to the amount received, as one to a hundred. Now, sir, would it it not be better to draw our revenue entirely from the customs, which are so much more easy and cheap in the collection, than the internal duties? If, for this purpose, it be necessary to modify the tariff, let us do so. Let us raise the duty on some articles, and lower it on others, so as to produce a greater revenue than we now receive, and equal to any deficiency which may result from the abolition of internal taxes.

Sir, we were called upon the other day to appropriate three thousand dollars as a salary to the Commissioner of the Revenue. He received only this sum when he supervised the collection of seven or eight millions internal revenue. He now also receives that sum for supervising the collection of only two or three millions. This feature in the system of internal taxes is perhaps quite as odious as any other. Mr. Smith, no doubt, is a very faithful and deserving officer; he may be as well entitled to receive three thousand dollars, as any other man would be, under similar circumstances; but, sir, no man who deserves only three thousand dollars for supervising the collection of seven or eight millions, can be entitled to the same salary when he supervises the collection of only two or three millions. The same fact, I imagine, obtains throughout the whole system. You may reduce the amount of tax on the people, but you cannot make a correspondent reduction of salary to the officers; all of them must live.

Some of the taxes I know to be oppressive on the people, and for that reason I should endeavor to repeal them. The gentleman from South Carolina (Mr. CALHOUN) said the taxes were not oppressive; that we had received no petitions requesting a modification or repeal of any of them. Gentlemen urged the other day, in debate, that instructions from the people were not binding on the Representative. If instructions would not be obligatory on gentlemen, I should suppose the people would have a very poor prospect of success, when they presented themselves to this House in the character of humble supplicants. But, sir, it is not necessary that we should receive petitions before we can know that a particalar law, or a general system of laws, operates a grievance on the community. Why has the Constitution of the United States declared that the Representatives in Congress shall be inhabitants of the States from which they come? and why is it a law, either statutory or common in the States, that each member shall have his residence in the district he represents? It is for the purpose of enabling each Representative to have an intimate knowledge of the interests, feelings, and wishes of his constituents. By visiting them when he returns home, and by talking with them, he finds out the bearing which any measure may have on their welfare. It is from knowledge, thus acquired, that a true and faithful Representative must act, much more than from petitions. Suppose I were to receive a petition from my district, complaining of the excise, would I be better able to act from the information thus furnished, than from personal conversation with my neighbors and acquaintances during the recess? Sir, I think information acquired in the latter way more entitled to credit, and I should certainly give it the preference, were it to come in conflict with a petition.

But I make these remarks merely to show the gentleman from South Carolina, and others who may think with him, that I do not consider it necessary to be burdened with petitions, before I should feel it a duty to interpose for the relief of those whom I represent in this House. The excise I know to be oppressive, both as to the amount of duty imposed on stills, and as to the inconvenience to which the people are subjected in obtaining a license. In the first place, the tendency of the law is to throw the whole business into the hands of capitalists. The owners of small establishments cannot compete with those who carry on great distilleries; a tax on the gallon would, therefore, be much more equitable than the one which exists on the capacity. It likewise appears to be an extraordinary provision in the law, that, after a distiller has paid for a license, he shall not be at liberty to retail a less quantity of spirits than one gallon. You may rightfully impose a duty on the manufacturing of commodities; but it is extremely rigid to prohibit the citizen from retailing his commodities when manufactured, in whatever quantities he may choose. By this law the owners of small establishments are frequently prevented from raising the money with which to pay the tax on stills. The owner of a cloth factory may be called upon to pay a duty on his machinery, but I imagine it would be thought a strange provision in the law, if he were restrained from selling one, two, or three yards at a time.

The law, as to its object, is unfair and oppressive upon many portions of our country. Distilled spirits are the staple commodity in many parts of the United States; and it does appear to me that Congress have just the same right to tax the tobacco of Virginia, the cotton of South Carolina and Georgia, or the sugar of Louisiana, as the whiskey of any other quarter of the country. The tax operates with peculiar pressure on those parts distantly situated from market, while it is not felt in those near the seaboard. It is, therefore, giving to the latter a great advantage over

the former. Such advantages, given by a law to one portion of the community over any other portion, ought to form a sufficient objection to the law itself to produce its repeal.

As to the duty on carriages, on auctions, and stamps, it affects materially but few portions of the State I have the honor in part to represent. Were it only for my individual benefit and accommodation, I should not be very anxious to effect the repeal of those duties. But, sir, if one or two of them be taken off, the revenue arising from the others would scarcely justify a continuance of the system; and as I have no wish to see the rest of the people of the United States loaded with taxes, while my constituents are free from them, I am, for this reason, prepared to vote an entire repeal of the system.

Another reason inducing a wish to repeal the taxes at this time, is, that it would probably make the representative branch of the Government more acceptable in the eyes of the nation than it now is. The best writers on the British Constitution say, that the tendency of that Government is to a concentration of all power in the King. Some gentlemen of great research and profound thought, in our country, have said that the tendency of this Government is to a concentration of all power in the Executive. It, indeed, requires but a partial acquaintance with the history of the present day, to be convinced that the Executive branch of the Government threatens to swallow up all the rest. Gentlemen have admitted, in debate, on this floor, the existence of this fact, with much apparent regret, and have exhorted the House to adopt such measures as would be likely to counteract Presidential influence. It is for this reason, then, that I would repeal the acts imposing internal duties. Let me ask, if the President had recommended the repeal, whether there would be such opposition to the measure as we have witnessed? No, sir. I feel justified in stating, that if the President had advised it, there would be scarcely a dissenting voice. But what would be the consequence of such a measure upon the character and reputation of this House? It would be resounded from one end of the continent to the other by the friends of the Executive, that he deserved all the praise for alleviating the burdens of the people; that his superior foresight, penetration, and love of country, had pointed out that wise and beneficent measure. In this state of the case, the President would have more of the praise and gratitude of the nation than he was entitled to receive, while Congress would be regarded rather as instruments in the hands of the Executive, than as the immediate agents of the people, laboring exclusively for the good of those whom they represented. As a member of this House I would prefer voting for a repeal of the taxes before it was recommended by the President, rather than afterwards; because, if you carry a repeal without, or even against Executive recommendation, you will then come in for a share of that praise which would attach to the President alone, if he had recommended the measure. Not as an individual, then, but as a member of the representative branch of our Government, and anxious to see it raised to that degree of favor which it merits in the estimation of the people, I shall vote for an immediate repeal of the system of internal taxes. It seems to be admitted by some that the taxes cannot exist many years to come. Why not, then, accomplish the work at the present session? Why wait for the President to say, "Repeal the taxes?" Why not rather anticipate him in announcing relief to the people? Gentlemen say that Congress has ceased to be as important and gracious in the eye of the people as it formerly was; that many causes have conspired to depress its character, and to render it less an object of favor than heretofore. It is lamentable, indeed, if this be the fact; but we ourselves are to blame. We have been too much in the habit of waiting for Executive recommendation, before we would presume to adopt any measure which was likely to render us acceptable to the nation; while the odium of every improper or unpopular measure was sure to be levelled against us. Let us, then, at the present session, act a part which becomes us; let us convince the nation and the world that we, the Representatives of the people, are independent of Executive will; that we will pursue the interests of our constituents, even without Presidential recommendation. But, sir, if we adopt a contrary course; if we wait to be dictated to by the Executive; if we suspend our own opinions till his fiat be proclaimed, then we shall realize the condition of which we now only behold the prospect, and to which we see only the tendency, that is, the concentration of all power in the Executive, and the depression of the representative branch of our Government. Miserable, indeed, will be the fate of our country, if the Representatives of the people should, by an improvident use or improper forbearance of the powers with which they are intrusted, bring upon themselves such annihilation.

The last, but not the least reason with me for repealing the taxes, is, that it may become necessary to reduce the Army. For my own part, I think the taxes may be taken off, and the Army permitted to remain at the present number of ten thousand. But I am conscious, that so long as we continue to raise money and vote supplies, there will be no disposition either to practise economy, or curtail any of the expensive establishments which now exist. It is the opinion of some gentlemen that, with the existing Military Establishment, it would be improper to dispense with the taxes. I wish it therefore (by repealing the taxes) to become necessary in the opinion of those gentlemen to reduce the Army. This part of the subject is as important as any which can or will come before Congress at this or any other session. It involves a principle of politics which appeared at one time to be settled, but which now appears again to be in doubt. It is my opinion that the Army ought to be reduced to six thousand; first, because standing armies in time of peace have ever been held dangerous to the liberties of a free people; and, secondly, because of

the unnecessary expense to which we are subjected by supporting an army of ten thousand.

What, sir, was the language held by our fathers, who achieved the independence of their country, and who, as they knew best how to acquire liberty, also knew best how to maintain it? They universally, when called upon for an opinion, said that standing armies in time of peace were dangerous to the liberties of a free people, and ought not to be allowed. So sacred was this principle, that it was inserted in the constitutions of most, if not all of the States. In the constitution of North Carolina, I know there is a provision to this effect. The same, I believe, will be found in the constitutions of all the States; but, as there are gentlemen present from the several States, they will correct me if I should be wrong. Our forefathers, Mr. Speaker, were not to be scared at shadows—they had braved the direful effects of British vengeance; they had rode in triumph through the storms of war; they had conquered the independence of their country—and it is not to be supposed that they would be so terrified at a mere phantom as to guard against it by the solemn provisions of the Constitution. I speak therefore in the language of wisdom, because it is the language of the sages and heroes of the Revolution, when I say that standing armies in time of peace are dangerous to the liberties of a free people, and ought not to be allowed. In corroboration of this truth, I can refer you to the history of all Governments. What enabled Cæsar to overthrow the Government of Rome, or Cromwell that of England, but a standing army? Or what, in more modern times, enabled Bonaparte to desolate the fairest portion of Europe, but a standing army, and the diffusion of an ardent, restless, military spirit? Sir, if I had no other evidence of this truth than the mere dictum of the sages and heroes of the Revolution, I would yield my assent to it; but, when it comes to us in the shape of a solemn Constitutional provision, and when that provision is strengthened and confirmed by all the evidence which history affords, I should think myself worse than a sceptic to withhold assent.

It has, sir, been well remarked by a writer of great reputation, that man is very much a creature of habit—that he often acts from habit more than reflection. Hence the necessity of forming correct habits, by resorting at first to the dictates of sound reason and dispassionate judgment. It is with governments as with individuals; for governments are operated upon—are put in motion—by the principles of the men who administer them. If standing armies are dangerous to the health and well-being of a government, we should as carefully avoid keeping them in existence, as we should avoid, in our private capacity, the formation of bad habits. If Government should continue a standing army, the alarming tendencies, the frightful consequences, of such an establishment, will at length become familiar to us, and we shall be lulled into security amidst even the most threatening danger. To avoid then a habit of fondness for a standing army, we should always in time of peace bring it down to the minimum of what may be needful. In war we must necessarily have men to combat the enemy, but as soon as war is over we should recollect the maxim transmitted to us by our forefathers; we should consider that in time of peace an army is dangerous, and immediately reduce it as low as the situation and circumstances of the country will permit. I would not be understood to intimate, in the most distant manner, that any of our officers and soldiers at present would endanger the liberties of our country. No, sir, such is not my meaning, and I beg the House not to believe me as conveying the most distant idea of the kind. The present Army has neither the numbers nor the disposition to engage in so unhallowed a work. All I contend for, is this: that the Government and people of the United States should not, in opposition to the advice of our forefathers, acquire a habit of fondness for and dependence upon a standing army; that, to avoid this habit, it should be a settled rule, in time of peace, to reduce the Army as low as the situation of the country will permit; that the question should not be, how many men can we retain in the service, but how many can we dispense with?—that we should not keep in service as many as possible, but as few as possible. Now, sir, I ask whether it is necessary to continue in service an army of ten thousand men? In my judgment, it is not. We want just so many men as will garrison our posts and fortifications. I hold in my hand a statement, from which it will appear that a little upwards of six thousand men will be amply sufficient for this purpose; any greater number involving a risk of contracting that dangerous habit of fondness for a standing army, to which I have alluded. The indulgence of the House will, I trust, be extended to me, while I read the statement: it was furnished by one in whose military knowledge I have the utmost confidence. If gentlemen are not equally disposed to confide in it, they have only to produce other statements, and the candor and intelligence of the House will determine between us.

[Mr. W. then read to the House the number, situation, and names, of our forts and other public works, and the number and description of force necessary to be placed in each, as follows:

Fort Hawkins.—At this fort one company of infantry is necessary, to prevent the white people from intruding on the Indians, and also to preserve the factory established for the purposes of trade.

Town of Savannah—One company of artillery to keep the fort in repair; the cannon and small arms in order; and also to aid the revenue officers, if occasion should require.

Charleston.—At Charleston there are Fort Moultrie, Fort Johnson, and Castle Pinkney. At these places two companies of artillery will be necessary, for the same purposes as at Savannah.

Fort Johnson, below Wilmington, in North Carolina.—The works at this place are very unimportant, and scarcely merit the attention of a garrison; but, to swell the estimate, we will assign to that fort one company of artillery.

Norfolk.—Fort Nelson and Fort Norfolk are the

only works. There may be a water battery on Craney Island, erected during the war, but it is not necessary to garrison it in time of peace. At these works two companies of artillery may be necessary to keep them in repair; to preserve the cannon, small arms, and munitions of war; and occasionally to aid the revenue officers, as at Savannah.

Baltimore—Fort McHenry. One company of artillery, for the same purposes.

Philadelphia—Mud or Sullivan's Fort. One company of artillery, for the same purposes.

New York.—Here there is a fort called Castle William, with two or three other forts, the names of which are not recollected, and which are not material. At these places three companies of artillery would do the ordinary garrison duties, but we will say four.

Newport, Rhode Island.—Fort Trumbull, it is believed, is the name of the works. At this place one company of artillery may be necessary.

Boston.—The name of the works unknown; but, from the extent of them, as generally understood, two companies of artillery will be quite sufficient.

New London, Connecticut—One company of artillery.

Plattsburg.—Rouse's Point, near Plattsburg, is in the neighborhood of Isle de Noix, in Lower Canada; and lest at some unguarded moment the enemy might possibly make a dash upon it, we will assign to this place two companies of artillery and two of infantry.

Sackett's Harbor—one company of artillery.

Niagara—One company of artillery.

Detroit and its dependencies, Mackinaw, Green Bay, and Chicago.—Fort Detroit, three companies of infantry and one company of artillery; Fort Mackinaw, three companies of infantry and a subaltern's command of artillery; Green Bay, two companies of infantry and a subaltern's command of artillery; Chicago, two companies of infantry. It is necessary there should be a larger force at Detroit than the other places, for the purpose of escorting supplies of provisions and munitions of war to Mackinaw, Green Bay, and Chicago.

St. Louis and its dependencies, Fort Edwards, Fort Armstrong, Fort Crawford, Fort Clarke, Fort Osage, and a fort to be established on the Arkansas.—To these places may be assigned ten companies of riflemen and one of artillery, to be disposed of as follows, viz: Fort Edwards, one company of riflemen; Fort Armstrong, two companies of riflemen and a subaltern's command of artillery; Fort Crawford, three companies of riflemen and a subaltern's command of artillery; Fort Clarke, one company of riflemen; Fort Osage, one company of riflemen; the fort to be established on the Arkansas, one company of riflemen; the depot at St. Louis, one company of riflemen;—and the residue of the artillery to keep the stores in readiness, and to escort supplies to the outposts, when necessary.

Fort Washington, on the Potomac—One company of artillery.

New Orleans and dependencies, Fort St. Philip, Fort St. Charles, Fort St. John, Fort Petite Coquille.—Four companies of artillery will be entirely sufficient to garrison these places.

Mobile—Two companies of artillery.

Those little forts in the Creek nation, viz: Fort Jackson, Fort Decatur, Fort Williams, Fort Crawford, &c., are considered unworthy of notice, because the Indians are completely subdued. The country is fast settling, and these places will be of no use.

It may be necessary to establish a fort on the Appalachicola, at or near the Spanish line, where one company of artillery will answer every object the Government can propose.]

The statement exhibited to the House had gone very much into detail, and Mr. W. said he must apologize for having so long occupied the attention of the gentlemen. It appeared to him necessary that a statement of the kind should show the different positions of the garrisons, and the various uses to which they must be applied. If this were done, those not inclined to a reduction of the Army could more easily point out the errors contained in any statements made to the House, and he hoped this consideration would justify him for having consumed so much time by minute details of this part of the subject. It is obvious from this statement that an army containing about six thousand two hundred men will be entirely adequate to every purpose. He must, then, in the seriousness and soberness of the most heartfelt conviction say, that the Army should be reduced; that he would adopt the maxim that standing armies in time of peace were dangerous to liberty, and that no act of his should ever induce the Government to form a habit different from that maxim by continuing in service a greater number than is absolutely wanted. This, he said, is the point to which we should always go, and beyond which we ought never to pass, because the least extravagance in this matter involves the most dangerous consequences.

But gentlemen contend that it would be improper to reduce the Army in the present unsettled state of the world. Sir, I consider their fears on this head as perfectly visionary; for we cannot, I think, entertain apprehensions of another war within any short time. On the Canada frontier, Great Britain is the weaker Power in relation to the United States. She cannot act with such a want of wisdom, with so much precipitation, as to commence war upon us in that quarter. The same remark applies to Spain on our southwestern frontier; in addition to which the state of her South American provinces will be most ample security for her pacific dispositions. It is not likely, therefore, that hostilities will be commenced against us in any part of our territories, so as to make it necessary that we should retain in service more than a Peace Establishment.

There is one other point of view in which this subject ought to be considered, and in which it becomes a matter of good policy, if not of imperious duty, to reduce the Army. It is, that a reduction now will conduce hereafter to the more effectual and substantial defence of the country. I well know that it is invidious to draw comparisons, and I trust not to be understood in what I shall say as meaning the least disparagement to any description of troops during the late war; they all did their duty. But as there are three degrees of comparison, I would ask whether the officers and soldiers enlisted a long time prior to the late war, or those enlisted immediately before the war and during its continuance, won the battles which have done so much honor to the coun

try? Brown and Jackson, and the officers and soldiers who fought under their banners, were not of the old Military Establishment. It is a rule which, I believe, will generally hold good throughout the late war, that the officers and soldiers of the new Establishment contributed most to the defence of their country. The same remark applies to the troops of other nations. When troops have been enlisted just so long as to be perfectly disciplined and no longer, they fight best; after they have become enervated by all the irregularities of a camp life, they are not so much to be depended on. Taking, then, these data, it becomes both a duty and a matter of wise policy, in regard to the future defence of our country, to curtail the Army. Suppose we remain at peace ten years, we have now an Army of ten regiments, costing the Government annually $500,000 each. If we reduce the number to five, we shall in ten years save $25,000,000; if we continue the additional five, we shall in that time expend $25,000,000. These $25,000,000 would keep in service fifty regiments for one year, or twenty-five regiments for two years. Then, by reducing the Army, we shall at the end of ten years be able to employ fifty regiments for one year, or twenty-five regiments for two years. Now, sir, I would ask whether, by reducing the Army, we shall not, at the end of ten years, be better able to defend the country with fifty regiments or with twenty-five, as the case may be, in the manner above stated, than if we do not reduce it, and at the end of ten years have only the ten old regiments, worn out and enfeebled by all the irregularities of a camp life, and in the experience of every country not so much to be relied on? I will not say that my view is exactly correct in all its details, but that the principle of it is true cannot be doubted. Were it, therefore, only for the purpose of saving $25,000,000, and of being thereby better able at the end of ten years to defend the country, I should vote to reduce the Army. But when, in connexion with this view of the case, we reflect on the danger of a standing Army unnecessarily large in time of peace, we should not, in my judgment, hesitate a moment as to the course which ought to be pursued.

But gentlemen say the Army is not greater now than it was in the Administration of Mr. Jefferson, and from thence argue that it ought not to be reduced. It is, sir, a very unsatisfactory mode of defending any measure, to say that something of the kind has existed in times past. Upon that principle, not only the foibles, but the enormities, of almost every Government might be defended. The fact, however, is not as it is alleged to be. Mr. Jefferson's Peace Establishment consisted only of three thousand men, and he got on very well with that number; when an aspect of war suddenly appeared in our horizon, it is true that the number was increased. If in a course of years after the proposed reduction a prospect of war should again appear, we can imitate the example of Mr. Jefferson, and increase the number. A great error has arisen amongst us, from supposing that the maxims of policy in relation to standing armies in Europe are applicable to our situation; whereas directly the contrary is the fact. In Europe, great, powerful, and hostile nations border upon each other; they are always disposed to take an advantage, and often commence wars without permitting their adversaries to have any notice of such designs. But with us, although our Government is composed of separate independent sovereignties, yet they are bound together in one common union of peace and friendship. We are separated from the nations of Europe, the only Powers that can attack us, by an ocean of immense extent; no war can be undertaken against us without giving us reasonable time for preparation. The maxims, therefore, in favor of standing armies in Europe do not apply to the Government of the United States; and the question for us now to decide is not whether the Army was as great during the Administration of Mr. Jefferson as it is at present, but whether it is not now greater than necessary? I have produced statements to support the affirmative of this proposition, and I call upon gentlemen to disprove them. If it can be shown to my satisfaction that the present establishment of ten thousand is necessary to the defence of the country, I pledge you my word, sir, that I will not vote for a reduction. Prove this, and my opposition ceases from that moment. But, believing that the number now in service greatly exceeds that which is necessary, I must persevere in the course I have marked out.

I will now conclude, Mr. Speaker, with remarking to the House, that these observations have been offered not out of any respect I could entertain for the calls made upon me by different gentlemen when this subject was slightly agitated on Friday last. For those calls, sir, I could not possibly feel any respect, and my remarks at present have been submitted to the House from a sense of duty to myself and to the nation, more than from any other consideration. The time has now arrived when, by the vote of this House, we shall determine whether the Government of the United States is hereafter to conform its measures to the characteristic purity, simplicity, and economy of its institutions; or whether we shall go as other nations have gone, and run equally with them the race of taxation and extravagance.

Mr. CALHOUN, of South Carolina, spoke in reply to the gentlemen from Virginia, Tennessee, and North Carolina, particularly condemning the unseasonableness of the hour at which this question had been introduced into discussion, and showing the improbability of acting conclusively on the subject at the present session.

Mr. HULBERT moved to lay the resolution on the table.

This motion was opposed by Messrs. CANNON, SHARP, and HARDIN, and supported by Messrs. ROBERTSON, SHEFFEY, SMITH, of Maryland, and LOWNDES, on various grounds and at some length.

Mr. CONNER, of Massachusetts, said that he rose to enter his protest against the reduction of the Army, which had been strenuously insisted upon by his friend from North Carolina, (Mr.

Williams,) and which he had thought necessary to bear him out in his resolution to repeal the internal taxes. He did not, by any means, see the necessity of the honorable gentleman's interweaving the reduction of the Army with the repeal of the internal duties. For, by his own showing, after the expense of the Army on its present establishment, and all the other expenses of Government, including an additional appropriation of five millions of dollars to the Sinking Fund, have been defrayed, there will remain in the Treasury, at the end of the present year, ten millions of dollars. If the internal taxes were unnecessary, he would vote for their repeal, but he would not vote to reduce the Army.

Mr. C. said he should be brief, for time was becoming every hour more and more precious. A great pressure of important business remained on hand. He regretted that this subject had not been taken up at an earlier period.

After adjusting the important questions of our own compensation, and whether we should or should not turn out our under doorkeeper; after having met the honorable Senate in solemn convention, who chose to withdraw to give us an opportunity to adjust another momentous question, we are now at the very close of the session just commencing business. He had heard the House was not a favorite with the nation, and he feared it never would be until some radical change was effected in our mode of doing business. The unfortunate Army, he said, was neither a favorite with this House or the nation, he believed, notwithstanding its gallant and meritorious services. He believed there never was an Army more gallant, or one that had to struggle with greater privations and difficulties. Every one seemed anxious who should give it the first thrust, as if it were some mighty usurper, and we were Brutus and Cassius, and company. *Et tu Brute!*—(pointing to General Harrison.) In the first place, it is saddled with immense expenditures that belong exclusively to distinct objects; fortifications, arsenals, ordnance, &c., &c., all are charged to the Army, when in fact they have nothing more to do with the Army, as it regards expense, than with the Navy. Disband your Army, and you do not reduce these expenses. In this, I had almost said insidious manner, the Army is held out to the nation as consuming between six and seven millions of dollars, when in fact it consumes but about three millions. You have recently taken away the pay of brevet officers, which they were entitled to when exercising separate commands, generally the reward of distinguished services; the price of blood, as my honorable friend from Virginia (Mr. Nelson) appropriately calls it; you have disbanded veterans without remuneration, who have served their country year after year, and we are now called upon to reduce the establishment, with a view to its ultimate annihilation. Mr. C. said, that if the Army must fall, he had rather see it fall struggling with the enemies of our country, should the "tug of war" again be had, than behold it expire on this floor. He had rather see its bones again whiten the left bank of the Niagara, or the plains of York and Williamsburg, should contest again become necessary at those points. Sir, I have no feelings on this subject but such as a legislator ought to have. If I have any feelings, it is because I have witnessed scenes of havoc and disaster, at which the mind sickens: it is because I know that thousands have unnecessarily been destroyed, and millions unnecessarily expended, for want of that system, organization, military science, discipline, and police, that can alone be acquired and retained by permanent institution. It is true, the enthusiasm of the American character forced victory through all the impediments thrown in our way by the want of this military inurement and service, but it was at the expense of a vast deal of blood and treasure. Reduce an Army of ten thousand men, which has to garrison and defend a frontier of five thousand miles! Why, sir, the proposition carries with it its own refutation. It is totally unnecessary to go into the minute calculation of how many men are necessary to keep the works from falling into ruin, and the arms from rusting, in the chain of fortifications that encircles our immense territory, from Machias to a point five hundred miles up the Missouri. An army is or is not necessary. If it be necessary, ten thousand men is the very *minimum* of the force that should be assigned to the different points of our immense empire. The gentleman from Tennessee, (Mr. Cannon,) who originally proposed the resolution, should recollect, that although the West cannot be assailed by any foe but such a one as their riflemen are amply competent to cope with, yet that we have ten thousand British troops posted in our immediate neighborhood, and that forty thousand men can be borne hither on the wings of the wind. Sir, what is the use of an army of ten thousand men? It is a nucleus, around which thirty thousand men can be congregated, and who in this manner would attain more military science, discipline, and police; more real efficiency in three months than they otherwise would in three sickly and bloody campaigns, after the Treasury had become bankrupt, and the safety of the country jeopardized. It was by intermixing conscripts with experienced troops that Bonaparte was enabled, as if it were by the stamp of his foot, to bring suddenly such immense and such formidable armies into the field. Mr. C. inquired whether the situation of our foreign relations would admit of the reduction of the Army? Our affairs with Spain were in a very unsettled condition. In addition to a series of injuries, we have received an aggravated, an atrocious insult from Spain, which, if reparation be denied, must be followed by immediate war. So says the President, and so say the people. And if rumors are true, instead of reparation, that Power has recently been making new and urgent demands upon us for immense tracts of territory. Sir, there is no knowing what course that Government will take, the predominant traits in whose character are a blind and ferocious fanaticism and despotism. And there is no fore-

seeing the complicated chain of consequences which grow out of war when once entered upon. And England, too, sir, unless indeed the bankruptcy and ruin which threatens her, unless the distress of her inhabitants, which swells the note of complaint into the angry tone of indignation and remonstrance, should call her attention at home. And while on this subject, permit me to say, sir, that if I have any political foresight whatever, I think I can discern in that horizon the scuds which immediately precede the tempest—the thunder and lightning of revolution—revolution, sir, which in young Governments is but the fever of the constitution, and frequently succeeded by an increased degree of health—but in old and corrupt ones, death; the profound calm of despotism—the dark ages! Witness France and Spain, where every attempt to meliorate their condition has only sunk them deeper into the abyss. But if I am mistaken in these views of the political situation of England, I certainly am not mistaken in believing that she never will quietly look upon our growing maritime and political power. It is contrary to her nature, her history, her genius, and her ambition. He that reasons otherwise, reasons contrary to nature and experience, and his conclusions must necessarily be erroneous.

Mr. C. said, that he had perused the pamphlet on the colonial policy of Great Britain, which had been alluded to in debate the other day by an honorable gentleman from Georgia, (Mr. WILDE, and he well recollected that Stephen's "War in Disguise," (a pamphlet published at the instance of the British Cabinet,) was the precursor of a system of measures which led to the embargo, and afterwards to war. He was well satisfied that *Delenda est Carthago* is the prevailing maxim in her Cabinet, and another war with that Power would be one of the most sanguinary character, and decisive of great events. It was not, then, under these circumstances he was willing to reduce the Army. Sir, (said Mr. C.,) the honorable Speaker has told us that the Government has been extremely liberal and munificent for military services rendered the country. I grant that in most instances the nation was grateful in its plaudits of our heroes during the war; but there are some instances, at least, that savour of ingratitude. What consolation did Government offer the father of Pike for the death of his immortal son? Why, I will tell you, sir. After having grown gray in the service of his country; after having become disqualified, by age and infirmity, for other pursuits; after having seen his son expire in the arms of glory, at the close of the war he was disbanded, turned out to pick up his crumbs wherever chance or charity might scatter them—turned out, like an old war-horse, upon the common *to die!* Sir, I am not, at this time, for reducing the Army.

The question was at length decided against laying the resolution on the table—yeas 66, nays 89, as follows:

YEAS—Messrs. Adgate, Archer, Baker, Barbour, Bassett, Bateman, Breckenridge, Brooks, Brown, Caldwell, Calhoun, Chappell, Condict, Creighton, Crocheron, Davenport, Findley, Forney, Forsyth, Gold, Goodwyn, Griffin, Hahn, Harrison, Huger, Hulbert, Ingham, Irving of New York, Johnson of Kentucky, Kerr of Virginia, Lowndes, William P. Maclay, Marsh, Middleton, Miller, Mills, J. Nelson, T. M. Nelson, Newton, Ormsby, Pickering, Pleasants, Robertson, Ross, Ruggles, Savage, Schenck, Sheffey, Smith of Maryland, Southard, Stearns, Tallmadge, Taylor of New York, Taylor of South Carolina, Telfair, Townsend, Ward of Massachusetts, Webster, Wendover, Wilde, Wilkin, Thomas Wilson, William Wilson, Woodward, Yancey, and Yates.

NAYS—Messrs. Adams, Alexander, Atherton, Baer, Baylies, Bennett, Betts, Birdsall, Birdseye, Blount, Boss, Bradbury, Bryan, Burwell, Cady, Cannon, Carr of Massachusetts, Champion, Cilley, Clarke of North Carolina, Clayton, Clendennin, Comstock, Cook, Cooper, Crawford, Culpeper, Desha, Dickens, Edwards, Fletcher, Goldsborough, Hale, Hall, Hammond, Hardin, Heister, Henderson, Hendricks, Herbert, Hooks, Hungerford, Irwin of Pennsylvania, Jackson, Jewett, Johnson of Virginia, Kent, Kilbourn, King, Langdon, Law, Lewis, Little, Love, Lumpkin, Lyle, Lyon, Mason, McCoy, McKee, McLean, Moffitt, Moore, Hugh Nelson, Noyes, Parris, Peter, Piper, Powell, Rice, Roane, Root, Sharp, Smith of Pennsylvania, Smith of Virginia, Strong, Stuart, Sturges, Taggart, Tate, Taul, Tyler, Vose, Wallace, Ward of New York, Wheaton, Whiteside, Wilcox, and Williams.

Mr. LOWNDES, of South Carolina, replied very fully to the arguments of gentlemen who supported this resolution, in principle as well as in detail, vindicated the reports of the Committee of Ways and Means, and showed how inconvenient a moment this was to agitate this question.

Mr. WEBSTER, of New Hampshire, was also opposed to what he termed a wholesale repeal of the internal taxes. He was willing to reduce the expenditures of the Government in any practical way, which was a question, however, that ought to have been settled before the present question was agitated.

Mr. JOHNSON, of Virginia, spoke in reply to Mr. LOWNDES and others, taking occasion to express his regret that the question of a reduction of the Army had been connected in the debate with this proposition, with which in his view it was wholly unconnected in fact.

Mr. ROSS, of Pennsylvania, spoke at considerable length and with much earnestness in opposition to the passage of the resolution on various grounds.

The question was loudly called for, it being about 4 o'clock, and the House refused a motion to adjourn.

Mr. INGHAM, of Pennsylvania, moved to amend the resolution, in order to save future trouble, and make it more specific, so as to specify the repeal of each of the internal taxes distinctly. [This will bring before the House separately the question of repealing each tax.]

Mr. INGHAM'S motion was as follows:

Resolved, That the duty on carriages and harness be repealed.

Resolved, That the duty on auctions be repealed.

Resolved, That the duty on stamps be repealed.

Resolved, That the duty on licenses to retailers be repealed.

Resolved, That the duty on refined sugar be repealed.

After some conversation, arising from the new shape now given to the proposition, a motion to adjourn prevailed by a small majority, and the House adjourned.

TUESDAY, February 18.

Mr. H. NELSON, from the Committee on the Judiciary, to whom an inquiry on the subject had been referred, reported that it is inexpedient to multiply the newspapers in which the acts of Congress are published. This report was agreed to.

Mr. NELSON, from the same committee, reported a bill providing an additional compensation to the circuit judge of the sixth circuit; which was twice read and committed.

Mr. SHARP, from the Committee on Private Land Claims, made a report on the petition of Madame Renaut Maynaud de Pancemont, and her husband François Maynaud de Pancemont, by their agent Philip Mercier, which report was read; when Mr. S. reported a bill confirming certain lands in the Territory of Illinois to the heirs of Philip Renaut; which was read twice, and committed to the Committee of the Whole on the bill for the relief of Gabriel Winter.

Mr. CONDICT, from the Committee on Expenditures on the Public Buildings, made a report containing estimates of expenses to be incurred in re-erecting the public edifices; which was read and ordered to lie on the table.

Mr. INGHAM, from the Committee on the Post Office and Post Roads, reported on a bill freeing from postage all letters and packets to and from James Madison; which was read twice, and ordered to be engrossed and read a third time to-morrow.

The SPEAKER communicated to the House a letter from the Governor of New Hampshire, informing him that he had transmitted through the collector of the customs for the port of Portsmouth, a map of the State of New Hampshire, for the use of this House.

On motion of Mr. KING, the Committee on Foreign Relations were instructed to report to this House such measures as they may judge necessary to regulate the importation of plaster of Paris, and to countervail the regulations of any other nation, injurious to our own, relating to that trade.

INTERNAL DUTIES.

The House then resumed the consideration of the resolution moved by Mr. WILLIAMS, to repeal the internal duties; when the question recurred on Mr. INGHAM'S proposed amendment.

Mr. ROOT moved to amend the amendment so as to confine the repeal of the duty on carriages, to those "not exceeding one hundred dollars in value;" and spoke at some length in support of his proposition.

Mr. BATEMAN, of New Jersey, moved an indefinite postponement of the whole subject; he was convinced that this was the course it ought to take. I have great doubts, said Mr. B., of the expediency of abolishing the internal duties at this time; still more do I doubt the practicability of effecting it this session, now so near a close. At any rate, Mr. Speaker, it cannot be done without waiving the decision on many important matters, which have been long on your table.

We have lately passed through an expensive war, which has had the unavoidable effect of materially increasing the amount of the national debt. The people are desirous of paying it off. If any one sentiment is more predominant among them than any other, it is, in my opinion, a desire that you would adopt measures for as rapid an extinguishment of that debt as possible, without too much oppressing them with inconvenient taxes. Sir, said Mr. B., there is a bill on your table for the redemption of the public debt, proposing to increase the Sinking Fund, which I wish to see passed into a law. This bill, were the great body of the American people congregated in democratic town-meeting, and they authorized, would be voted for, I verily believe, by a large majority, perhaps nine-tenths. All my intercourse with them has tended to confirm this opinion. For the purpose of discharging this debt, and defraying the current expenses of the Government, large sums must for some time to come, be drawn from the people. Taxes, in order to be just, ought to be equal; and in order that they may be so, it is indispensable that you diversify the objects of taxation. When, therefore, large sums are to be raised, does it not seem necessary, is it not just, that a portion of it should be derived from internal sources? Besides, these internal duties form part of a system of revenue adopted, like the Constitution under which we live, from a spirit of compromise; some of them may operate more severely on particular districts, whilst others will be principally felt on other sections of the country. Upon the whole, perhaps the operation is as fair and unexceptionable as could reasonably be expected.

Will it be safe, asked Mr. B., to trust altogether to imposts? I am aware, said he, that all calculations relative to expenditures or receipts of the Government, for a series of years to come, must be, in a great degree, conjectural. If we must err, however, I think it best to err on the safe side; to estimate the probable receipts too low rather than too high. I have neither the inclination or ability to go into a minute examination of the accuracy of the reports on this subject. But what is the probability? Our receipts from external sources must be greatly lessened; it is impossible that it should be otherwise. What, Mr. Speaker, is the situation of the country since the conclusion of the peace? Our imports have exceeded our exports to an alarming amount. This country is indebted to European merchants for the very goods now in our market, for many al-

ready consumed; and wherein consists our ability to pay for them? It is true that the amount in value of the exports of the last year has exceeded expectation. This, however, as the gentleman from South Carolina (Mr. LOWNDES) informs us, is owing more to the high price of the articles exported than to the quantity of those articles. Will these high prices continue? What is the state of Europe? The mighty convulsions which have so long agitated that quarter of the world, have at length settled down in the calm of despotism. It is not probable that new wars of great extent will again soon occur; the wretched state of their finances forbids it. They have many men unemployed, and the general scarcity of breadstuffs there, as well as here, will have the effect of turning the general attention to agriculture; and should two or three favorable seasons occur, the amount of the products of the soil will be unusually abundant. The time is near at hand when this will be likely to be the case. In such an event they will require but little of our surplus produce; and if they receive it at all, it must be at greatly diminished prices; thus continuing our inability to pay for a large quantity of articles subject to duty. Then, indeed, will the cultivators of our soil perceive the importance of a home market—such a market as an efficient protection of our manufacturing interest cannot fail to create.

This being my view of the matter, said Mr. B., I question the prudence of abolishing these taxes now, when it is more than possible that we may be under the necessity of re-enacting them, even should we remain in a state of peace,

With respect to the pledge spoken of, that the taxes should not continue longer than one year after the termination of the war, I will only add, in addition to the honorable Chairman of the Committee of Ways and Means, who, I think, has fully answered the objection urged on that ground, that if a pledge was given, which, strictly speaking, is denied, the obligation must be very feeble; no contract was entered into, no concessions made by the people, inasmuch as Congress had the express right by the Constitution, the supreme law of the land, to lay and collect taxes.

I would inquire, said Mr. B., of the advocates of this resolution, when they propose that the repeal should take effect? If immediate, or in the course of the ensuing Spring or Summer, then the relief contemplated to be afforded by it will be very unequally felt. The carriage-holders and a large proportion of the retailers have already paid for the full term of the current year. The greatest share of the benefit would of course fall to the lot of the distillers, a class of citizens last of all perhaps that ought to be relieved, especially in these times of calamitous scarcity. The duties on foreign distilled spirits it will be recollected are very high, fixed so with express reference to the distillers. If, therefore, you abolish this tax, you virtually grant an extravagant bounty to these citizens, a bounty not granted to manufacturers of other articles, much more important to the general welfare.

But if, as some have suggested, the repealing laws should not go into operation until the close of the year, then why press the subject now? why not refer it to the next Congress? They will convene at the commencement of December, and will have ample time for considering it. Ours is too precious to be needlessly expended. One week is of more importance now, than a month will be then. Mr. Speaker, said Mr. B., I do most sincerely regret the introduction of the resolution at this late hour. It is scarcely possible that any practicable good can result from it. There is not, as I before observed, sufficient time to act upon it; being a subject involving necessarily a general examination into the state of the Union, and an inquiry into our financial prospects, both now, and when the resolution is cut up in detail, much debate must be expected. Mr. Speaker, at the last session you abolished many of the internal taxes; you reduced others. It was not contemplated, I understand, by the Committee of Ways and Means, to ask for a renewal of the direct tax; with this the people would be satisfied; they do not complain. Let us wait one year longer, at least, before we adopt a measure, which, if its advocates should happen to be mistaken in their calculations, may involve us in difficulty.

In two weeks, continued Mr. B., the Fourteenth Congress will be no more. Our functions as members will have ceased; we shall have separated. All experience proves that the last days of a session are peculiarly unfavorable to deliberate and judicious decisions. It was calculated, on another occasion, that we are, upon an average, four hundred miles from home. Our thoughts will soon be forcibly directed to our families and firesides; we shall be employed in settling our accounts—in closing our laborious business at the public offices—in packing up and preparing for our journey; and it will be found difficult to concentrate sufficient attention to the public business. Where is the labor of the numerous committees of this House during the Winter? Are not the fruits of a large proportion of it on your table, in the shape of bills and reports, as yet, unacted upon? Can we, then, too soon dispose of this subject, and proceed, in good earnest, to a consideration of the many items of important business to be found there, before we separate?

Mr. B. concluded, by expressing a hope, that, notwithstanding the state of the vote of yesterday, on the motion to lay the resolution upon the table, that the House would be induced, upon further reflection, to consent to his motion, indefinitely to postpone the original resolution, and the proposed amendments thereto.

Mr. HARRISON also insisted on the propriety of postponement, chiefly on the ground of the impolicy of reducing the Army, which proposition had been considered as connected with that now under consideration.

Mr. HARDIN spoke against the postponement, endeavoring to convince the House that these taxes might be repealed without a reduction of the Army, but in favor of reducing the Army if necessary to authorize a repeal of the internal taxes.

Mr. Wilde spoke at considerable length in opposition to the proposed repeal, argumentatively, and on various grounds.

Mr. Root and Mr. Robertson next spoke in favor of a repeal of the taxes; the former in favor of the immediate repeal, and the latter in favor of a repeal prospectively.

Mr. Calhoun and Mr. Lowndes, in short speeches, supported the motion to postpone the subject indefinitely.

Mr. Kilbourn spoke twice against the postponement, and Mr. Smith, of Maryland, in favor of it.

Mr. Johnson, of Virginia, and Mr. Randolph, also spoke in favor of the repeal of the taxes; and Mr. Smith, of Maryland, again spoke in favor of the postponement.

The question was at length taken on indefinite postponement, and decided in the negative—yeas 59, nays 94, as follows:

Yeas—Messrs. Adgate, Archer, Baker, Barbour, Bassett, Bateman, Betts, Breckenridge, Brooks, Brown, Cady, Caldwell, Calhoun, Carr of Massachusetts, Chappell, Condict, Conner, Creighton, Crocheron, Forney, Forsyth, Gold, Goodwyn, Harrison, Hulbert, Ingham, Irving of N. York, Kerr of Virginia, Lowndes, Middleton, Miller, Mills, Milnor, Jeremiah Nelson, Thomas M. Nelson, Newton, Pleasants, Pickering, Robertson, Ross, Ruggles, Savage, Schenck, Sheffey, Smith of Maryland, Stearns, Tallmadge, Taylor of New York, Telfair, Townsend, Ward of Massachusetts, Webster, Wendover, Wilde, Wilkin, Thos. Wilson, Woodward and Yancey.

Nays—Messrs. Adams, Alexander, Atherton, Baer, Baylies, Bennett, Birdsall, Birdseye, Blount, Boss, Bradbury, Bryan, Burwell, Cannon, Champion, Clarke of North Carolina, Cook, Crawford, Culpeper, Davenport, Desha, Dickens, Edwards, Findley, Fletcher, Goldsborough, Hahn, Hale, Hardin, Heister, Henderson, Hendricks, Herbert, Hooks, Huger, Hungerford, Irwin of Pennsylvania, Jackson, Jewett, Johnson of Virginia, Johnson of Kentucky, Kent, Kilbourn, King, Langdon, Law, Lewis, Little, Love, Lumpkin, Lyle, Lyon, William P. Maclay, Marsh, Mason, McCoy, McKee, McLean, Moffitt, Moore, Hugh Nelson, Noyes, Parris, Peter, Pickens, Piper, Powell, Randolph, Reed, Rice, Roane, Root, Sharp, Smith of Virginia, Strong, Stuart, Sturges, Taggart, Taul, Taylor of South Carolina, Thomas, Tyler, Vose, Wallace, Ward of New York, Ward of New Jersey, Wheaton, Whiteside, Wilcox, Williams, and William Wilson,

The question then recurred on Mr. Root's proposed amendment, which he then withdrew.

The question was then taken on Mr. Ingham's motion and decided in the negative.

The question having been stated on the original resolution proposed by Mr. Williams, a division of the question was called for—and before taking the question thereon, the House adjourned at a late hour.

Wednesday, February 19.

Mr. Pleasants, from the Committee on Naval Affairs, who were instructed by a resolution of the 7th ultimo to inquire into the expediency of directing the application of the funds arising under the acts of Congress for the relief of sick and disabled seamen at the port of Richmond, in aid of the funds of the corporation of that city, towards the erection and support of a marine hospital, made a report thereon; which was read and ordered to lie on the table.

Mr. H. Nelson, from the Committee on the Judiciary, reported a bill concerning the compensation of the district attorney for the district of Massachusetts; which was read twice, and ordered to be engrossed and read a third time to-morrow.

The bill supplementary to the act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments, was read the second time and ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Atherton,

The House proceeded to consider the proposition to amend the rules and orders of the House submitted by him on the 8th instant, and the same being amended, was agreed to by the House, as follows:

"It shall be the duty of the several Committees on Public Expenditures to inquire whether any offices belonging to the branches or departments, respectively, concerning whose expenditures it is their duty to inquire, have become useless or unnecessary, and to report from time to time on the expediency of modifying or abolishing the same; also, to examine into the pay and emoluments of all offices under the laws of the United States; and to report from time to time such a reduction or increase thereof as a just economy and the public service may require."

The House, then, on motion of Mr. Jackson, proceeded to the consideration of the report of the Committee of Pensions and Revolutionary Claims unfavorable to the petition of Allen McLane. Mr. J. moved to reverse the report; which motion he supported with much zeal. His motion was as decidedly opposed by Mr. Chappell and others, and finally negatived. The report of the committee was then concurred in.

A message from the Senate informed the House that the Senate have passed bills of the following titles: "An act respecting the transportation of persons of color, for sale, or to be held to labor;" and "An act to provide for reports of the decisions of the Supreme Court," in which they request the concurrence of this House.

INTERNAL DUTIES.

The House proceeded to the consideration of the resolution offered by Mr. Williams, for the repeal of the internal duties.

An appeal was asked by Mr. Williams on the Speaker's decision that this motion was susceptible of division; but he withdrew the motion in consequence of some observations by Mr. Randolph.

On motion of Mr. Randolph, the resolution was amended to read as follows:

Resolved, That the several acts imposing internal duties be repealed, and that the Committee of Ways and Means be directed to report a bill for that purpose.

The question was then stated to agree to the

resolution as amended; when Mr. SHEFFEY moved further to amend the resolution by inserting after the word "*Resolved*," these words: "*That the Army of the United States be reduced to six thousand men.*"

Mr. WEBSTER spoke at large against a general repeal of the internal duties, on general principles, particularly on comparing them with duties on articles imported, some of which, he contended, particularly those on salt, sugar, and coffee, were much more grievous impositions on the people than the internal duties. Mr. W. spent some time in examining the bearings of the various taxes on different interests of the Government, deducing the inference that the navigating was the interest most severely taxed at present.

Mr. ALEXANDER expressed his decided opinion in favor of a repeal of the taxes; but said he did not wish to give a vote which, from the course the business and debate was taking, would be a pretension merely to do that which he was convinced could not be consummated at the present session.

Mr. SMITH, of Maryland, explained his views as being in favor of a repeal, if the report in favor of a large sinking fund should not be agreed to; but opposed to it if that proposition should succeed.

Mr. SHEFFEY spoke in favor of a reduction of the Army, and expressed his willingness, if the Army should be reduced, to vote for a repeal of the internal duties, but not on any other ground. He was, under present circumstances, opposed to the repeal, and condemned the precipitancy with which the House had appeared to pass at once from excess to parsimony.

Mr. RANDOLPH spoke in explanation and in reply to Mr. SHEFFEY.

Mr. JOHNSON, of Virginia, also spoke in explanation and reply.

Mr. SHEFFEY replied to the remarks of the two latter gentlemen.

Mr. RANDOLPH rejoined, and at some length maintained his opinions.

Mr. KING, of Massachusetts, next took the floor, and spoke as follows:

Mr. Speaker: Oppressed by sickness, I scarcely dare venture to ask your indulgence and the attention of the House to a few hasty remarks on this momentous subject. Permit me first to congratulate the Administration of my country on the accession of numbers, strength, and eloquence, from among those with whom it has been my pride and my pleasure generally to act; whether their adoration is directed to the setting or rising sun, a few days will determine. Though I congratulate the Administration, I do most deeply lament the loss which the people of this country must suffer. The people, did I say! It is almost treason to name them on this floor; methinks I behold, in the countenances of many aspiring spirits, the smile of scorn, and sneer of contempt: beings who affect an independence of public sentiment and public feeling. Yes, sir, the people are wounded, cruelly wounded, in the house of those who ought to be their friends—their representatives. Sir, I am soon to return, and with a heart overflowing with gratitude to my Almighty Father, I render to him the homage of that heart for the blessing! I am soon to return to that people to be one of them. Yes, sir, in times and scenes like these, to that true post of honor—a private station.

The honorable gentleman from South Carolina, (Mr. CALHOUN,) with reference to the repeal of these taxes, says, that the people have not petitioned, have not complained, have not remonstrated. Petitioned, whom? in the name of God! Their representatives, knowing their wants, knowing their interests, and sent here expressly to relieve the one and promote the other? What does the honorable gentleman expect? What does he wish? That the great body of the American people should approach him — this House, bowing the head and bending the knee, and, as in duty bound, ever pray? Sir, if they could for a moment thus degrade themselves, they ought not only to be taxed, but to be the slaves of tax gatherers forever. Petition whom, I again demand? The constituent bend to the representative? the representative not know the wishes, the feelings, the distresses, of the people? Sir, they are much more likely to approach you, going on as you are, with sharp complaints and fierce remonstrance. Their interests are not attended to, their sentiments are not consulted. I have had occasion before to remark, I now repeat it—the people of this country stand first in the Constitution—we the people—and the last to receive any benefit from it. When you want money, you tax the people, without reason or mercy. When your follies or your faults have driven you into war, you call upon the people to fight your battles; and, if the cruelty of your petty officers or their own sufferings compel them to desert, you shoot them by dozens. But when a resolution is prepared to relieve them from numerous oppressive taxes, and hosts of greedy tax gatherers, or a law to aid the unfortunate and set the prisoner free, then you know not the people; you hear not their complaints; you heed not their distresses. Sir, they are not that tame, that patient animal, which some believe them. They may turn upon you in despair; tempt them not too far.

In De Witt's Interest of Holland, the people are compared to generous and mettlesome horses, which arbitrary rulers attempt to break with the bit and bridle; meaning taxes and obedience. Our rulers have gone further; unto the bit and bridle, supposing them broken down, they have added the spurs; I mean ten thousand bayonets—their standing army, to urge the unfortunate creatures forward.* The same honorable gen-

* "The true interest of all countries, consists in the prosperity of all the inhabitants; in the joint welfare of the governors and governed; and the same is known to depend on a good Government; that being the true foundation whereon all the prosperity of any country is built.

"It is the interest of monarchs to weaken and im-

tleman (Mr. Calhoun) further calls this an idle debate; that it will lead to no beneficial result—not time, &c. If the honorable gentleman considers this an idle debate, how will he characterize that, on his *bonus* bill,† as it is called, which goes to appropriate eight or ten millions of the people's money, to his magnificent schemes, as he and his friends consider them, of internal improvement; grand canals; splendid military roads; besides many castles in the air. Schemes, "like the glare of false science that leads to bewilder, and dazzles to blind." There was no want of time then, when the object was to squander millions of the people's money; day after day was then spent in worse than idle debate, on objects worse than useless; but now, when the people are to be relieved, burdensome taxes to be removed, we have not time; go thy way for this time; more important objects must engage our attentions. What can be more important than the interest, the welfare, of the whole American people? Sir, the claims of no individual, of no number of individuals, are to be put in competition with the claims, the interest of the whole. Sir, this is the very time to attend to the repeal of these laws. All the important reports from the departments, and from committees, are before the House, with all the public measures proposed for adoption; we have now a view of the whole ground, we can and ought to decide promptly and without delay.

The honorable gentleman from New Hampshire (Mr. Webster) contends that the repeal of the internal duties will destroy the equality of our taxation; for this purpose he views our customs and internal taxes as one great system. Now, sir, it is well known they have no connexion whatever; they are separate and distinct; adopted at different times, and for different objects—and the right of the United States to tax some of the objects of present internal taxation, is doubted by many; that on State banks, for instance, incorporated by State sovereignties, and taxed by them. The United States might destroy these State institutions, by heavy impositions, and make their own mammoth bank swallow them up. But, sir, their internal taxes find but little, if any, to keep up this equality; not enough, indeed, to burden our own constituents for the pleasure of keeping a little heavier burden on our neighbors. It is no alleviation of my taxes, that my neighbors pay more; though, indeed, it is very questionable whether these internal taxes do tend to preserve the equality of the system. The returns will show that the Atlantic States pay as great a proportion of the internal taxes, as the Western do; say that the Atlantic States pay two-thirds of the customs (as consumers I mean) shall we to that burden add half the internal taxes for the sake of making the Western States pay the other half? considering, too, how much better able they are, in the South and West, to pay their taxes, than the people in the North and East. The honorable gentleman is extremely anxious that the people of the West should continue to pay the tax on whiskey, because we pay a high duty on imported spirits, and on account of its beneficial effect upon the community. But, sir, are not our foreign spirits to be considered as luxuries, and of the worst kind too? Is it not right we should pay for them? If we could content ourselves with whiskey, or even New England rum, would they not come much cheaper to us, and in this way equalize the duties? As to the moral effect upon the country, I do extremely doubt whether a tax on ardent spirits makes one drunkard less. Nay, sir, greater distress is introduced into poor families, when spirits are high, for it is a poison they will have, by diverting more of their small gains from their families to this pernicious object. But, sir, revenue was the object of the Government, not reformation of morals. And are all these internal taxes to be retained? Are all the sober and virtuous to be severely taxed for the hopeless purpose of reforming a few intemperate wretches? I have no objection to your taxing the vices, though I have to your taxing the virtues of the people. The honorable gentleman wishes the duties on many articles of import reduced. I unite with him; but what connexion has that with the repeal of the laws? He says we consume more coffee, tea, and sugar, than the West, consequently pay more duties thereon. Granted; we have more luxuries, necessaries, if you please; but are not the people of the West taxed severely in the price of the same articles, when used? When not obtained, do not they suffer inconveniences? The gentleman too thinks the tax on salt extremely high, and that it ought to be repealed—that the West manufacture for themselves, and the Atlantic States pay almost the whole duty. But does not our salt, even with the duty, come cheaper to us than their salt to them? It costs them nearly twice as much as our salt does us. But the honorable gentleman is peculiarly unfortunate in the selection of the duty on salt. Does he not know that a great part of the imported salt with us is consumed in the fisheries, and that the bounty on pickled fish, and allowance to certain vessels employed in the fisheries, are fair equivalents for the duty on the salt used in that business? Does he not recollect likewise that we have extensive salt works in New England, encouraged and protected by this duty? Sir, I much doubt the expediency of repealing the salt tax. The honorable gentleman says further, that he is against this wholesale mode of legislation, as he is pleased to call it.

poverish the subject, that they may assume to themselves what power they please; they therefore take special care that their subjects may not be like generous and mettlesome horses, which, when they cannot be commanded by the rider, but are too headstrong, wanton, and powerful for their masters, they reduce, and keep so tame and manageable, as not to refuse the bit and bridle, I mean taxes and obedience."—*De Witt.*

† This stock-jobbing Latin word, *bonus*, actually occurs in the title and body of that bill. In the House, a motion was made to strike it out, but negatived. No wonder, said a worthy friend from Connecticut, it is the only good thing in the bill.—*Note by Mr. K.*

Sir, were not these taxes put on the people by wholesale? The honorable gentleman now proposes that we should act upon them singly, that is, he retails them out to us. Sir, I will take them by wholesale and retail, from the hands of the Government and the backs of the people. The honorable gentleman says our commerce and navigation are crippled, many of our merchants bankrupt, and our poor destitute of bread; and yet we will not repeal these taxes—nay, he yesterday voted to postpone indefinitely this resolution to repeal them; how will he answer this to his constituents? How to New England? burdened and oppressed as they are. If gentlemen are not pleased with our climate, variable and severe as it is, yet congenial to feelings there nourished; if gentlemen are not satisfied with our soil, rough and barren as much of it is, yet pleasant to the eye which there first wept; if they are not content with our country, bleak and mountainous as it is, yet dear to the heart which there first beat, let them seek a better country—yes, sir, even a heavenly one, to which, Father in Heaven, conduct all thy children!

But, sir, we stand pledged to the American people to repeal these taxes; it is a mere temporary system, and so considered in the report of the committee which recommended their imposition; it was during war, when other sources of revenue failed, "for defraying the expenses of Government and maintaining the public credit," during that disastrous period; and a limitation of all the acts was established at their passage, otherwise you would not have dared burden the people with them. We heard nothing then about this as a system to be perpetually persevered in to equalize that system, for to that length the arguments of gentlemen go. To each of the acts imposing duties—first, on refined sugar; second, on carriages and harness; third, on licenses to distillers; fourth, on sales at auction of merchandise and of ships and vessels; (to be of ships and vessels, which you can now scarce give away!) fifth, stamps on bank notes and bills of exchange; and sixth, on licenses to retailers of wines, &c., and merchandise; (what more unequal? the same tax on a petty retailer with a capital of one thousand dollars, and the wealthy merchant with a capital of fifty thousand; and the consumer, on account of this tax, paying, in the additional price of the commodities, four times the tax!)—I repeat, that to each of these acts, all passed in 1813, was added this, as a concluding section—"*And be it further enacted*, That 'this act shall continue in force until the termi-'nation of the war in which the United States 'are now engaged with Great Britain and Ireland, 'and their dependencies, and for one year there-'after, *and no longer*," that is, until the 17th February 1816. Still, in violation of all your engagements, and of this solemn assurance to the American people, they are continued to this day, and are now advocated and defended as a system. See, too, sir, the art and address with which this system is brought forward. Moderate internal taxes are first imposed, on the ground of extreme necessity, with a solemn assurance they should cease in one year after the war. They next greatly increase nearly all those laws—some more than double; and then, before they expire, supposing the people well broke to the bit, they re-enact them all, without limitation. What yesterday was but innovation, is now defended as a system. If the people of this country can, for a moment, tamely acquiesce in such a breach of the public faith—in such daring encroachments on their rights and interests, even the little standing army which we now have on foot, will not be necessary to deprive them of their remaining rights and privileges.

Of that army, sir, which has been introduced into this debate, I shall say nothing. I have no enmity against the profession—I honor the honorable part of it, whether it be the skilful and gallant officer that plans, and commands, and leads, or the firm, the brave yeoman, that suffers, that fights, that bleeds, for his country, or gloriously falls in her defence. But place not your dependence on a standing army; the very name is ominous to liberty—for though your ten thousand bayonets may not be able to murder all our citizens, or destroy their liberty, still those who handle and direct them, may eat us up! The expense of your Military Establishment is enormous—more than six millions of dollars annually, according to your present appropriations. The blessed volume informs us, that the horse leech has two daughters, crying—give—give! so does your army; there is no satisfying it. Sir, with our virtuous ancestors, I believe a standing army, in time of peace, unnecessary and dangerous. Yours ought to, and I hope will be reduced. It causes you to neglect your militia; yet, they are the true and safe defence of free nations. Yes, these are the breastworks on which you must rely, in the hour of peril—in the tug of war. 'Tis the owners of the soil, who must defend it against all invaders.

Gentlemen on the same side, who have preceded me in this debate, have clearly demonstrated that the amount of these internal taxes is not wanted to defray your ordinary expenses, extravagant as they are, nor to maintain your public credit. The net estimated amount of these taxes, for four years to come, is $2,500,000 annually. The Secretary of the Treasury, in his annual report on the state of the finances, states an excess of receipts into the Treasury, in 1816, beyond the estimate of expense for that year, of $13,500,000; he estimates the permanent annual revenue of the year 1820, at $24,250,000; putting the customs at $18,000,000, the permanent annual expenditure, until the public debt is redeemed (including an addition of $3,000,000 to the present Sinking Fund of $8,000,000, and for the military service $6,459,625, annually,) is placed at $23,500,000; and calculating on this extravagant plan of expenditure, he says there will be "an excess of revenue, beyond the estimated expenditure during the next four years, of $8,400,000;" for what purposes? Turn over a new leaf in the Secretary's book, and see—"Applicable to such objects of

internal improvement, or national defence, as the wisdom of Congress may direct." Yes, sir, this is the order of the day: Grand canals—splendid military roads—magnificent public edifices—waste and profusion in most of your expenditures, and many of your people in rags. Now, sir, if, instead of adding three millions to the Sinking Fund, you add but two, at the end of the next four years there will be in the Treasury $12,400,000; but your internal taxes for the four years, amount only to $10,000,000. Repeal the taxes now, and there will be in the Treasury, at the end of said four years, $2,400,000; after that, should the estimates of the Secretary be found correct, you can add but one million to your Sinking Fund of eight million; making your annual expenditure $21,500,000; and, after the repeal of the internal taxes, your annual revenue $21,750,000—excess of the latter, $250,000, with a balance of $2,400,000 in the Treasury. These calculations are consistent with all your public engagements. It is wrong—'tis oppressive, to keep these burdens upon the people, just escaped from the hardships and calamities of war. If you ease them of their burdens now, they will be better able to bear them, should the future necessities of the country, which God forbid! demand them.

Sir, this question goes further in its consequences, than to relieve the people of their grievous burdens; the great struggle must here be made—must here be decided; would to God it could now be decided successfully! whether true economy and severe retrenchment shall take place in your Government, or waste, extravagance, and profusion, continue in all your departments. This is the true and great point in contest; turn as you will, this is the real question now to be determined. I deem it of the last importance to the welfare of my country, and the prosperity of its citizens. Gentlemen favorable to this resolution, should permit nothing to divert them from their object; let the efforts of our opponents to distract but unite us the more—march steadily and firmly forward to its accomplishment—give neither sleep to your eyes nor slumber to your eye-lids until your efforts are crowned with success. If a sitting of five hours be not sufficient, sit ten—nay, fifteen, rather than fail. Feeble as my health now is, for the accomplishment of this great, this national object, I would not only sit here during that time, but till the bright and the morning star should dawn on my country.

Thursday, February 20.

Mr. Thomas Wilson presented a petition of sundry members of the General Assembly of Pennsylvania, praying that a district and circuit court of the United States may be established at the city of Pittsburg, in that State.—Referred to the Committee on the Judiciary.

Mr. Herbert, from the Committee for the District of Columbia, reported a bill to authorize the extension of the Columbian turnpike road within the District of Columbia; which was read twice, and ordered to be engrossed and read a third time to-morrow.

The Speaker laid before the House a letter from the Acting Secretary of War, transmitting the information required by the resolution of the 15th instant, relative to a mutiny in the late 38th regiment of infantry; which was read, and ordered to lie on the table.

The Speaker also laid before the House a letter from the Acting Secretary of War, transmitting information relative to the claims of the State of Massachusetts, for payment of the expenses of the militia ordered out by the Executive authority of that State during the late war; which was ordered to lie on the table.

On motion of Mr. Goldsborough,

Resolved, That the Committee of Commerce and Manufactures be instructed to inquire whether any, and if any, what measures may be necessary to be adopted in consequence of the great failure of the corn crop in the past year.

Resolved, That the President of the United States be requested to cause to be reported to the next session of Congress such measures as he may deem most effectual for the security of the country watered by the Chesapeake Bay and its tributary streams, against the maritime force of an enemy.

SUBSCRIPTION TO CANAL STOCK.

Mr. Thomas Wilson, from the Committee on Roads and Canals, made a further report, which was read; when Mr. W. reported a bill to authorize the Secretary of the Treasury to subscribe in behalf of the United States, for shares in the capital stock of certain canal companies therein mentioned; which was read twice, and committed to a Committee of the Whole.

The report is as follows:

The committee to whom was referred, on the 4th of December last, so much of the Message of the President of the United States as relates to roads and canals, having heretofore made report, in part, and having had the subject under further consideration, ask leave to report a bill authorizing the Secretary of the Treasury to subscribe for shares in the capital stock of certain canal companies therein mentioned, to wit: the Chesapeake and Delaware Canal Company, and the company incorporated by the States of Virginia and North Carolina for opening a canal through the Dismal Swamp, from Deep creek, a branch of Elizabeth river, which runs into the Chesapeake bay, in Virginia, and Joyce's creek, a branch of Pasquotank river, which runs into Albemarle sound, in North Carolina.

The facts and reasoning which have governed the committee with respect to the first mentioned canal are set forth in the memorial and petition of the president, directors, and company, referred to your committee on the 10th day of January last; and the facts and reasoning which have governed the committee with respect to the last mentioned canal are set forth in the survey and written description reported by Major Kearney, topographical engineer, and communicated by the Acting Secretary of War to your committee, in answer to an inquiry made on behalf of the committee of that department; which written descrip-

tion, together with the petition aforesaid, the committee submit as a part of this report.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the subscribers, Directors of the Chesapeake and Delaware Canal Company, on behalf of that company, respectfully showeth, that the President and Directors of the Chesapeake and Delaware Canal Company have, at several times heretofore, presented memorials to Congress praying for its aid.

In these memorials the most ample information was given of the importance of the canal, its practicability, and the measures taken to carry it into effect. Referring to them, your memorialists feel it unnecessary to swell this application with a repetition of facts often set forth, and universally acknowledged; they confine themselves, therefore, at present, to lay before Congress such prominent features in their case as the occasion demands.

It is well known that after the importance of opening the communication between the Chesapeake and Delaware had excited the attention of the most intelligent men of the country for more than half a century, it was begun with enthusiasm, and successfully prosecuted for more than two years; during which all the preliminary operations were completed, and considerable progress made in cutting the canal itself; but at the expiration of this time it became absolutely necessary to suspend it, from no other cause than the failure of funds, arising from the neglect of the stockholders to pay up their subscriptions.

The causes of this neglect were fully explained to Congress; they were, in fact, no other than that in a country where moneyed capital was in great request for a thousand uses, which yielded an immediate and ample return, the patience of the public was not adequate to support an undertaking where reimbursement could not be expected for some years, though certain in the end; and your memorialists expressed their conviction, founded on experience, that neither this nor any similar work would succeed in the United States, unless the Government could patronize and assist the efforts of individuals until at least one work was carried into successful operation.

It will be seen that all reasonable means were used to compel the payment of the subscription; but legal remedies would not produce funds with the celerity necessary to pay workmen and continue their operations; the directors had no alternative, therefore, but to suspend them, or to involve numerous individuals in distress. Some debts were unavoidably left unpaid, but they are of no important amount. The most economical disposal was made of the tools and perishable property of the company, and the works left in such a state that they may be repaired at little expense when the operations are resumed.

Your memorialists, having frequently represented these circumstances, and received no public aid, have been compelled to wait until some happier auspices might enable them to revive a work promising the utmost public advantage; and these they now hope to experience from the present disposition of the National Legislature. After the termination of war, the glory of the arts naturally excites the enterprise of a free people, and your memorialists think they perceive in the acts of the last session of Congress a spirit to foster them: they feel, therefore, emboldened to press their interests upon its attention, and that it would be a dereliction of their duty to omit it.

Your memorialists perceive the general measures adopted by Congress in favor of roads and canals; upon which subject they cannot but feel a hope that, after the subject has been recommended by the Executive Department, and its importance acknowledged in every session for many years, some magnanimous instance will be adopted actually to bestow its benefits upon the country, especially as there is no way in which the money of the public can be expended more essentially to its advantage—a fact which is proved by the example of all nations with whom we are acquainted, who, in this respect, have engaged in a rivalship with each other, to which the United States alone cannot fail to be a party.

While the utility of all undertakings of the kind in question must be universally admitted, the specific adoption of some precise objects seems essential to render their advantages effectual. Amid the numerous improvements which the vast area of our country presents to view, it is obvious that all cannot be undertaken at once; many are not matured; some are in districts which do not possess a population to support them; and others can as yet obtain no individual aid to that which the Government may give them, so that some precedence must be admitted for the benefit of all, since one brief and useful work, carried into complete and successful operation, will surely lead on the rest, while numerous undertakings, pressed on together, will only render each other abortive.

In this situation, your memorialists solicit the particular attention of Congress to the following brief state of the features and merit of the work they represent, which they conceive has an important claim on the patronage of the public:

1st. The utility of opening the communication between the Chesapeake and Delaware has been admitted by all intelligent men, ever since the settlement of the country; and if ever this utility wanted confirmation, it received it during the late war, when, by its means, a most important line of communication and defence might have been formed and maintained.

2d. The more extensive inland navigation from New England to Georgia has been often contemplated, and it is obvious that, if executed, (as no doubt it may be,) it must be done in the outset by opening the two great links between the Chesapeake, Delaware, and Raritan.

3d. The present canal forms the first of these links, and it is already begun. The preliminary operations to organize a company to make the necessary surveys, and to commence a work of this kind, are always attended with difficulty, delay, and expense; these have all been accomplished in the present work, as none ever received a more rigid investigation by the ablest engineers in the United States.

4th. There never was, perhaps, a canal in which the two great requisites for its perfection were so well united as in the present one, viz: a most abundant supply of water and the easiest soil for execution, as, in the whole area of its route, it presents scarcely a single rock or stone or other natural obstacle; in fact, from the shortness of the distance and the ease of its execution, it would almost immediately present to us that object which is so desirable, of an actual successful experiment.

5th. From the immense coasting trade of the Chesapeake and Delaware, the revenue upon it would be so immediate and important as in the highest degree

to confirm the confidence of the country in such undertakings.

6th. A part of it is already well executed, and that part is at once the most difficult in the whole route, and the most essential in the prosecution of the rest. If briefly revived, what has been done will be restored at little expense; but it is obvious, if long neglected, must be altogether lost.

7th. Very considerable funds are already in such a state as to depend on the measures of Congress to bring them into full operation. If, by patronage, confidence in the prosecution of the work is revived, the subscriptions already existing, to the amount of $400,000, will be obtained, as shares in which partial payments have been made will become valuable pledges for sums due; besides which, the State of Maryland has passed a conditional law to subscribe two hundred and fifty shares, ($50,000;) the State of Pennsylvania to subscribe three hundred and seventy-five shares, ($75,000,) upon the condition that the United States shall subscribe seven hundred and fifty shares, ($150,000,) and the State of Delaware one hundred shares, ($20,000.) This subscription of Congress, therefore, will organize the rest, and bring into effect funds amply sufficient for executing the whole work.

Under these circumstances, your memorialists cannot but hope for the aid of the National Legislature. If this canal had never been begun, it would now challenge attention among the first national objects of the kind; but, commenced as it has been, and provided with the means of procedure, depending upon one contingency alone, it challenges attention by every consideration which can arise from the propriety of restoring confidence, animating the fortitude of individuals, and giving the lead and direction to those public works which, in all ages and countries, do the utmost honor to the Government, because they are of the greatest advantage to the people.

KENSEY JOHNS,
President, &c.
JOS. GILPIN,
JAMES C. FISHER.

City of Washington, *Nov.* 5, 1816.

Sir: In obedience to so much of the order of the honorable the Secretary of War, dated May 31, 1816, as relates to the connexion of the navigation of Elizabeth river, in Virginia, with that of the waters of North Carolina, I have the honor to submit the following report:

The routes ordered to be examined are those two, for the opening of which charters have been granted by the Legislatures of Virginia and North Carolina; one, beginning at or near Whitehouse's landing, on the eastern branch of Elizabeth river, is proposed to be cut by the way of Kempsville, forming at that place an angle, and running thence nearly on a right line to the upper landing on North river, and will occupy a distance of between eight and nine miles.

North river cannot correctly be called a stream; it is rather a creek or arm of Currituck sound, whose small ramifications are found in a low swampy country, which adds to them scarcely any further supply than is derived from the downfall water. A slight swell of the ground separates North river from the small branches of Northwest river, and the southern branch of Elizabeth river. The lowest ground between North landing and the eastern branch of Elizabeth river is along the Beachen swamp, and the branch of North river which interlocks with it; this route, to some persons, has appeared to be the most eligible for the "coastwise canal;" but the projector has, for many cogent reasons, rejected it, and proposes to run the canal along higher ground to the eastward of it. It is not, therefore, to be supposed that a supply of water can be had for a canal so situated from the west; nor is the country to the east of the proposed route much better calculated to afford a supply, the Pungo branch of North river being the nearest body of water to it, (except mere catchwater drains,) and that flows over a tract of land parallel with, but lower than it.

This part of the route was examined in company with gentlemen who had an interest in it, and who acknowledged the impracticability of procuring a stream sufficient for the required purpose—an opinion the result not only of personal examination, but of the clear and unanimous testimony of every resident whom I consulted.

It being impracticable to procure a stream, or even downfall water, sufficient to feed the canal, it then becomes necessary to incur the difficulties, risk, and expense of making a cut eight or nine miles on one level, at least two or three feet below the level of the neap tides, in a swampy country; or, to avoid the swamps, recourse must be had to the high ground, and the expense increased beyond any calculations that have yet been exhibited in relation to the project; and, in doing so, the first difficulties of the work only are avoided, and there yet remains the difficulty of cutting below the level of the tides in a country which the great waters approach on all sides. But it is proposed to supply the canal by means of steam machinery, and this is the only feasible mode that has been suggested; the objection offered to it is, that it would be a constant source of expense, increasing with the decrease of timber.

From North landing the river is navigable for craft of any burden, except at one shoal, on which there is nearly five feet water at high tide. Abreast of White house, on Church's island, in Currituck sound, and six miles southeast of the court-house, there is another shoal of black soft mud, with fine sand mixed; it has four and a half feet of water over it at high tide. Near Salier's, about nine miles south-southeast of the last-mentioned shoal, the channel becomes very narrow and crooked; immediately below Salier's, and about ten miles from White's channel, a sand-bar occurs, with less than four and a half feet over it at high tide. Having passed the sand-bar, the channel deepens as it enters the narrows, which wind in every possible direction through salt marshes for about one thousand six hundred yards to the mud flat, which must be crossed, running due south; it has four feet water on it at high tide. South by east of the mud flat is the Trout hole, a narrow channel running due west about four hundred and fifty yards; it is off the south end of Rattlesnake island. Thence the channel continues south by east one mile and a half to Jew's quarter, one hundred yards below which are the cross rocks, an oyster bank, making across nearly the whole width of the sound; the channel here has five feet water in it at high tide. Thence the channel runs south to Powell's Point, round which it winds in a course nearly west-southwest, and then makes eastwardly to Albemarle sound. It may be proper here to state that, in speaking (in the phraseology of the country) of the tides in the Currituck, and the other sounds and inland waters with which it is connected, a regular periodical

ebb and flow of the waters is not to be understood, but that change which is produced by the action of a strong and constant wind in driving the water from one sound into another; for the inlets are so small, compared with the extent and surface of the sounds and creeks, that the causes which produce tides in the ocean and open bays cannot sensibly affect them during the short period of their operation. In Currituck sound the highest tides prevails, usually, in May; sometimes in the month of March; ordinary tides during Summer, unless it be very dry, or the wind prevail from the north or west; the lowest tides are in cold weather, and always when the wind is from the North.

To render the sound and river navigable at high tide for vessels of five feet draught, it becomes necessary to clear out at least one thousand three hundred yards of the channel at several places, and through shoals of various composition; and the distance to be cleared will be greatly increased if it be thought advisable to make the navigation tolerably direct. But to procure a channel for vessels of six feet draught, the distance to be cleared may be very safely stated at twenty miles, or more.

It has, I believe, been suggested that a canal from Currituck court-house, or its vicinity, to Indiantown, on Indian or North river, a branch of the Albemarle sound, would avoid the shoals, and obviate all objections that can be made to this part of the route. The distance on a right line from the court-house to Indiantown may be estimated at seven miles, and would make the whole distance to be cut, between Norfolk and Albemarle sound, about sixteen miles. But admitting that six feet water may be had at all seasons between the court-house and North river, (which, in truth, is very problematical,) it will be necessary to cut below the level of the surface of the water of the sound, to the depth of at least six feet, or, as in the case of the Kempsville canal, supply water by means of steam machines. The ground between the court-house and Indiantown is higher than the ground between Kempsville and North landing; and to open the canal to six feet below the surface of the sound would require, I presume, a section of nearly thirty feet perpendicular, in some places; and the distance from Kempsville to Albemarle sound would be also considerably increased, for Indian river is very crooked.

The other route ordered to be examined is occupied by the canal which extends from Deep creek, in Virginia, to Joyce's creek, in North Carolina: it is twenty-two miles and two hundred yards long, and is cut on two right lines, which, at two miles within the Virginia line, make with each other an angle of about one hundred and forty-seven degrees. This canal passes through the Great Dismal Swamp, three miles and a quarter to the eastward of Lake Drummond, or, as it is called in that section of the country, "Drummond's pond." This canal is supplied in dry seasons by a drain from the lake, and in very wet seasons by the flow of the waters of the swamp. It is, at the feeder, sixteen feet six inches above the ordinary level of the water in Joyce's creek, and in dry seasons at least six feet below the level of the lake. Other measurements have made the height of the surface of the lake, above high water mark, in Nansemond river, twenty-four feet.

The tract of country occupied by the swamp lies, to the southward, along the head branches of Perquimans river, Little river, Pasquotank river, and North, or Indian river, which flows into Albermarle sound; to the eastward, along the branches of Northwest river, which flows into Currituck sound; to the northeast and north, along the heads of the southern and western branches of Elizabeth river; and to the northwest, along the eastern and southern creeks of Nansemond river. The ridge of land which separates the swamp from the head waters of Summerton and Bennet's creeks lies west of it. From the lake to the high ground west of it the distance is about three miles.

That the swamp is caused by the overflowing of Drummond lake and of the small streams to the westward of it, and not by its own springs, is an opinion generally entertained by the most intelligent and best informed persons in the neighborhood, and in support of which very cogent reasons are offered. The ridge of land which separates the heads of Bennet's and Summerton creeks from the swamp is about ten feet higher than the lake; from this ridge many small streams run to the eastward, until meeting with a sudden declivity, from whence also issue innumerable springs of water, they spread over the surface of the land, and fall chiefly into Lake Drummond, between Orapeake and Jericho; they cannot, however, be supposed to be equal to the supply of a body of water which is stated to be nearly seven miles long by five miles wide, having nine feet depth of water within thirty yards of its shores, twelve feet at three hundred yards, and fourteen feet in the centre, and which never shrinks more than eighteen or twenty inches in the very driest seasons, but continues to overflow at all times a tract of country so extensive as that which is covered by the Dismal Swamp.

When the canal was projected, twenty-five years ago, it was believed that the country through which it was to be cut was a perfect level, without an inclination of surface sufficient even to enable the waters of the lake to flow off through the canal when it should be opened. It was even feared, it would seem, that, should more water than was requisite to fill the canal be permitted to escape from the lake, the dry and cultivated lands in its vicinity might be injured; and such continued to be the opinion entertained, until, a ditch being cut and locks constructed, it was found, when in the dry seasons the water ceased to flow but through the feeder of the lake, that at the head of a lock the water was deep and smooth, while at some distance from it, and towards the feeder, there was a constant but shallow current.

This circumstance, for the first time, induced an opinion that the country between the tide waters and the lake was not perfectly level; there were then constructed intermediate locks, yet at the foot of each there has never been more than eighteen or twenty inches depth of water. In this situation the canal (if it may be so denominated) remained until the late war and other circumstances combined to force into view the absolute necessity of a more liberal and enlarged intercommunication between Elizabeth or Nansemond river and the waters of North Carolina.

During the Summer of the present year, the managers have engaged in the work of deepening and widening the canal with a correct and enterprising liberality, which is, however, unfortunately limited by the difficulty of obtaining the requisite funds. They propose that, for the present, it shall have an average surface width of twenty-eight feet, with a talus just sufficient to preserve the banks, and that it shall be capable of floating vessels drawing at least four feet water. To accomplish this purpose, it is calculated

that they must expend nearly $80,000. Heretofore the general surface width has not exceeded eighteen feet; in some places it is more, in some less. An additional cut in depth is making from the foot of each lock towards the head of the one next below it, so that the bottom shall in no place be less than six feet from the level of the country, or eight feet from the top of the bank.

The only doubts that occur as to the practicability of rendering this canal navigable for vessels of six feet draught arise from the nature of the soil through which it passes, and the depth of the water at its outlets. When the first cut was made, the water oozed through the sides and bottom of the canal, carrying with it a quantity of sand, which in some places choked the passage, by forming shoals, which threatened to reappear as often as they were removed. They were supposed to be the most serious obstacle to the deepening of the canal. During the last Summer, one of these places has been deepened two feet below the old bottom without any difficulty, and presents a fine dry surface of sand mixed with some blue clay; and it is believed that it might be further deepened without striking a vein of water. The sides of the canal have become compact and firm by the settling of the soil, as is the case with all the cleared land in the swamp since the water has been drained by the canal, and the numerous small cuts made for bringing shingles and staves out of the woods. Generally, the soil has sunk twelve inches; the doubts which arose from this source have, therefore, in a great measure ceased.

The Pasquotank is a deep and crooked river, into which Joyce's creek empties; the only obstruction in it is a narrow sand-bar about a mile and a half from the outlet of the canal, over which there is usually four feet water.

Deep creek, which empties into the southern branch of Elizabeth river, and into which the canal disembogues, has been filled up by the sand from the canal the distance of nearly a mile, and is incapable of floating vessels of any burden at low tide; at high tide, however, vessels drawing three-and-a-half to four feet can navigate it. It is proposed either to remove the sand, or, which would be the most effectual, and perhaps the cheapest method, to make a new cut of four or five hundred yards to another branch of the creek, which affords a sufficient depth of water for the required draught.

In considering the relative advantages of these routes for military and naval purposes, on the assumption that they may be of equal depth, (a proposition already considered in this report,) it is necessary to view them during a war with some maritime Power, in which rapidity of movement and complete security should, as much as possible, be combined in the transportation of supplies, materials, and troops.

Currituck court-house, near which the lower canal route must pass, is but ten miles distance from the inlet; and the sound, which is not more than four miles average width, is separated from the ocean by a sand beach so low as to expose to the view of ships cruising along the coast everything that passes down it. It cannot be considered safe during war, unless an armed force be constantly stationed at the inlet. It is so near the Chesapeake as to be considered within the cruising ground of vessels blockading that bay, and was visited during the late war by the enemy, who burnt or carried off the few craft they found in it.

On the contrary, the upper route is perfectly safe, being separated from the ocean and bay by a very difficult country, and the land around Lake Drummond affords positions capable of being maintained by a small force against great numbers. The security of this route continues until it coincides with the other near Roanake island, when it in some measure becomes exposed, yet not so much as the lower route is in passing down Currituck sound.

As it regards distance, the Currituck route has greatly the advantage, being about fifteen miles shorter than the swamp route, calculating from Norfolk to Roanoke island, near the entrance of Albemarle sound. But for the transportation of supplies from the country bordering on the Roanoke, Chowan, and Perquimans rivers, and the other branches of Albermarle sound, the upper route is the best, not only as it regards safety, but in distance also; and its connexion with the canal proposed to be cut from the falls of the Roanoke adds much to its importance. Whether this canal be cut round the south side of the falls, leaving the produce of the country connected with the Dan, Staunton, and Roanoke rivers, to pass off by the natural channel of the river; whether it be cut from the north side of the river to Murfreesborough on the Meherrin only; or, finally, whether it be continued up Bennet's creek to the White Oak Spring marsh, or to Suffolk on the Nansemond river, its connexion with the Great Dismal Swamp canal is intimate and important.

The country with which either of the canals would immediately connect Elizabeth river is capable of furnishing many materials and supplies for the Army and Navy; and there may now be had from it red and white oak of a large growth, red cedar, cypress, juniper, holly, beach, poplar, black and sweet gum, white, yellow, and pitch pine, and maple. Much flax is raised, and Indian corn, wheat, tobacco, cotton, and hemp may be had from it. Considerable numbers of horned cattle, sheep, and swine, are raised in the low country for market; and the waters of North Carolina furnish great quantities of shad and herring. Iron ore is found in the mountains, where there are some foundries, and small quantities of lead have been procured; it is probable that sufficient for the purposes of Government might be had, if a communication were opened with the country containing those minerals. An assertion has been hazarded, which, though loose, deserves investigation; that sulphur and saltpetre may be procured from the mountains. Tar and turpentine form some of the principal articles for exportation, and are to be had from the country round Edenton, as well as from other places. It may be satisfactory to exhibit the following list of some of the most bulky articles passed through the Dismal Swamp canal in the year 1815, during the few weeks it was open for navigation; they are exclusive of articles paying toll by valuation, and of the large amount of coasting tonnage which passes to sea through Currituck and Ocracoke inlets, and down Core sound; 6,519,419 shingles, 1,160,591 staves, from the south and east sides of Lake Drummond, and exclusive of those sent by the way of Norfolk; 16,703 bushels of Indian corn; 2,313 bushels of rice; 2,138 hogsheads of tobacco; 2,762 barrels of fish; 3,575 barrels of tar; 529 casks of turpentine spirits; 2,475 bales of cotton; 119 barrels of black lead; 327 tons of iron; 181 tons of lead, and powder and shot.

Ship timber and the bulky materials for house building are immediately shipped for their place of ultimate destination; the canal, in its present state, being con-

sidered incapable of admitting them to pass through it. It is to be considered, also, that, on account of the difficulty presented by the falls of the Roanoke, the produce of the country bordering on that river, and on its branches, the Dan and Staunton rivers, generally finds its way over land to Petersburg. The country south of the Roanoke and of Albemarle sound is nearly equally accessible by both routes.

It may be well, also, before concluding this report, (already, perhaps, drawn to too great a length,) to observe, that if the navigation of Currituck sound be supposed to possess any peculiar advantages, except in point of distance, or if the value of the productions of the country bordering on it, should justify the expense of a direct water communication with Elizabeth river, such communication can be obtained by connecting the head of Northwest river with the Dismal Swamp canal. This river has its source in the morass, eastward of Lake Drummond, and serves as one of the drains of that body of water; it crosses the canal north of the feeder, and enters Currituck sound south, and within about a mile of the mouth of North river. By clearing out the bed of this stream for the distance of about four miles, or by making a lateral canal of much less than that distance, the desired communication would be established at a trifling expense compared with the cost of a practicable canal by the way of Whitehouse's landing and North river, and would possess nearly all its advantages, aided by its lateral cut, if we except that of the rapid movement of gunboats between Lynnhaven bay and Currituck sound.

I have the honor to be, very respectfully, sir, your obedient servant,

JAMES KEARNEY,
Major Topographical Engineers.

P. S. My report on so much of the order of May 31, 1816, as relates to the defence of the Chesapeake Bay, &c., is in the hands of Lieutenant Col. George Bomford, of the Ordnance corps; other materials collected during last Summer remain to be reported as occasion shall require. Respectfully,

J. KEARNEY.

GEORGE GRAHAM, Esq.,
Acting Secretary of War.

INTERNAL DUTIES.

The order of the day, on the proposition to repeal the internal taxes, having been announced, a motion was made to postpone the orders of the day, in order to take up the annual pension bill. This motion was supported by Messrs. CALHOUN, CHAPPELL, TAYLOR, FORSYTH, and SOUTHARD, and opposed by Messrs. WILLIAMS, FLETCHER, WEBSTER, and CANNON, in an animated conversation, rather than debate, and was negatived, 67 votes to 65.

The House then proceeded to the order of the day, on the resolution to repeal the internal duties.

Mr. SHEFFEY withdrew a motion he had previously made to amend the resolve, so as to read nearly as follows: "*Resolved*, "That the Army 'shall be reduced to six thousand men, and the 'acts laying internal duties, &c., be repealed."

Mr. JACKSON made a motion, which he said he felt constrained by imperious necessity to offer, to prevent a further waste of the time of the House on a proposition which could lead to no result, to lay the resolution on the table.

This motion was opposed by Messrs. DESHA, HARDIN, and KING, and supported by Mr. HULBERT. On the one hand it was said the proposition was one of great importance, on which every one had made up their minds and were probably ready to decide. On the other hand, the importance of the subject was admitted, but the possibility of deciding it definitively at the present session, either one way or the other, was denied.

The yeas and nays having been required on the motion, some gentlemen expressed other reasons for their votes.

Mr. LUMPKIN said he was disposed to vote for a partial repeal of the taxes, but being now altogether convinced that the discussion would consume the whole session, without the possibility of arriving at a practical result, he should vote for a postponement of the subject.

Mr. FLETCHER exhorted the gentlemen in favor of the repeal, not to be deterred by the considerations presented, from voting against this motion. He hoped they would march boldly up to the question, and that the House would, for once, take the side of the people.

Mr. McLEAN, on the other hand, under the impression that the continuance of this discussion would prevent the transaction of any other business at the present session, asked how the members of this House, on their return home, could account to the people for the discharge of their duty? We are sent here, said he, to perform legislative acts; and it is not he who exclaims that he is the friend of the people, that best performs the duty of a Representative; but he who endeavors to discharge his duty conscientiously and effectually.

Mr. YATES said, if he could conceive it possible that this question could be examined in all its bearings at this session, he should be the last to wish to defer it. But, seeing the differing opinions on this subject, he was convinced the further consideration of the subject would only tend to the consumption of time, and he felt himself obliged to vote to lay the resoluton on the table.

Mr. PICKERING, though in favor of a reduction of the Army, was opposed to a repeal of the taxes, and therefore in favor of postponement, for various reasons which he assigned; a leading one of which was, the moral effect of the duty on whiskey, to limit the consumption of it.

Mr. KING intimated that the whole amount of Mr. PICKERING's argument was, that all the taxes ought to be retained, that the whole nation should be taxed for the sake of a few miserable drunkards.

Mr. ALEXANDER was in favor of laying the resolution on the table; not that he was opposed to a repeal of the taxes—but he should conceive it mere pretension, at the present period of the session, to vote for the resolution.

Mr. LITTLE said he believed many of the taxes to act oppressively on a large portion of his constituents, and should therefore have been in favor of a repeal of them, had not the question of a re-

duction of the Army been connected with it. He believed his constituents, if the question was put to them individually, would not consent to the repeal of the taxes, if it was to involve the reduction of the Army.

The question on laying the resolution on the table, was then taken, and resulted—yeas 77, nays 78, as follows:

Yeas—Messrs. Adgate, Alexander, Archer, Atherton, Baker, Barbour, Bassett, Bateman, Bennett, Betts, Birdseye, Breckenridge, Brooks, Brown, Caldwell, Calhoun, Carr of Massachusetts, Chappell, Clark of New York, Clarke of North Carolina, Condict, Creighton, Crocheron, Findley, Forney, Forsyth, Gold, Goodwyn, Griffin, Harrison, Huger, Hulbert, Ingham, Irving of New York, Jackson, Johnson of Kentucky, Kerr of Virginia, Little, Lowndes, Lumpkin, McLean, Middleton, Miller, Mills, Milnor, Jer. Nelson, Thomas M. Nelson, Newton, Ormsby, Pickens, Pickering, Pleasants, Robertson, Ross, Ruggles, Savage, Schenck, Sheffey, Smith of Maryland, Southard, Stearns, Taggart, Tallmadge, Taylor of New York, Taylor of South Carolina, Telfair, Townsend, Ward of Massachusetts, Webster, Wendover, Wilde, Willoughby, Thos. Wilson, William Wilson, Woodward, Yancey, and Yates.

Nays—Messrs. Adams, Baer, Baylies, Birdsall, Blount, Boss, Bradbury, Bryan, Burwell, Cannon, Champion, Cilley, Clayton, Clendennin, Comstock, Cook, Cooper, Crawford, Culpeper, Davenport, Desha, Dickens, Edwards, Fletcher, Goldsborough, Hahn, Hale, Hardin, Heister, Henderson, Hendricks, Herbert, Hooks, Hungerford, Jewett, Johnson of Virginia, Kent, Kilbourn, King, Langdon, Law, Lewis, Love, Lyle, Lyon, Wm. Maclay, Marsh, Mason, McCoy, McKee, Moffitt, Moore, Moseley, Hugh Nelson, Noyes, Parris, Peter, Piper, Powell, Reed, Roane, Root, Smith of Pennsylvania, Smith of Virginia, Strong, Stuart, Sturges, Taul, Thomas, Tyler, Vose, Wallace, Ward of New York, Ward of New Jersey, Wheaton, Whiteside, Wilcox, and Williams.

Mr. Hulbert spoke at some length in decided opposition to the repeal, on the broadest grounds.

Mr. Forsyth, conceiving that it must now be obvious to every gentleman that no result could flow from this proposition, at the present session, moved, to try the sense of the House, to postpone the resolution to a day beyond the session.

After some conversation on this motion, the question was taken by yeas and nays, and decided in the negative—yeas 77, nays 83, as follows:

Yeas—Messrs. Adgate, Alexander, Archer, Atherton, Baker, Barbour, Bassett, Bateman, Bennett, Betts, Birdseye, Breckenridge, Brooks, Brown, Caldwell, Calhoun, Carr of Massachusetts, Chappell, Clark of New York, Clarke of North Carolina, Condict, Conner, Creighton, Crocheron, Findley, Forney, Forsyth, Gaston, Gold, Goodwyn, Griffin, Harrison, Hopkinson, Huger, Hulbert, Ingham, Irving of New York, Jackson, Johnson of Kentucky, Kerr of Virginia, Little, Lowndes, Lumpkin, McLean, Middleton, Miller, Mills, Milnor, Thos. M. Nelson, Newton, Ormsby, Pickering, Pleasants, Robertson, Ross, Ruggles, Savage, Schenck, Sheffey, Smith of Pennsylvania, Smith of Maryland, Southard, Taggart, Tallmadge, Taylor of New York, Taylor of South Carolina, Telfair, Townsend, Ward of Massachusetts, Webster, Wendover, Wilde, Willoughby, Thomas Wilson, Woodward, Yancey, and Yates.

Nays—Messrs. Adams, Baer, Baylies, Birdsall, Blount, Boss, Bradbury, Bryan, Burwell, Cady, Cannon, Champion, Cilley, Clayton, Clendennin, Comstock, Cook, Cooper, Crawford, Culpeper, Davenport, Desha, Dickens, Edwards, Fletcher, Goldsborough, Hahn, Hale, Hall, Hardin, Heister, Henderson, Hendricks, Herbert, Hooks, Hungerford, Jewett, Johnson of Virginia, Kent, Kilbourn, King, Langdon, Law, Lewis, Love, Lyle, Lyon, William Maclay, Marsh, Mason, McCoy, McKee, Moffitt, Moore, Moseley, Hugh Nelson, Noyes, Parris, Peter, Pickens, Piper, Powell, Randolph, Reed, Roane, Root, Sharp, Smith of Virginia, Strong, Stuart, Sturges, Tate, Taul, Thomas, Tyler, Vose, Wallace, Ward of New York, Ward of New Jersey, Wheaton, Whiteside, Wilcox, and Williams.

Mr. Pickens moved to amend the resolution by adding to the end of it these words—"and the duty on salt," so as to repeal that duty also.

This proposition gave rise to much debate, in which Mr. Kilbourn particularly spoke at considerable length, in opposition to the amendment, but in favor of the main proposition.

The question on the proposed amendment was decided by yeas and nays—for the amendment 91, against it 67, as follows:

Yeas—Messrs. Adgate, Alexander, Atherton, Baer, Baker, Barbour, Bassett, Bateman, Breckenridge, Brown, Bryan, Burwell, Cady, Calhoun, Chappell, Clark of New York, Clarke of North Carolina, Condict, Conner, Cooper, Creighton, Crocheron, Culpeper, Dickens, Edwards, Findley, Fletcher, Forney, Forsyth, Gaston, Gold, Goldsborough, Griffin, Hall, Harrison, Heister, Herbert, Hopkinson, Huger, Hungerford, Ingham, Irving of New York, Jewett, Kent, Kerr of Virginia, Law, Lewis, Love, Lowndes, Lumpkin, Lyon, William P. Maclay, McCoy, Middleton, Miller, Mills, Milnor, Hugh Nelson, Thomas M. Nelson, Noyes, Parris, Peter, Pickens, Pickering, Pleasants, Roane, Ross, Ruggles, Savage, Schenck, Sheffey, Smith of Pennsylvania, Southard, Stearns, Stuart, Taggart, Tallmadge, Tate, Taylor of New York, Taylor of South Carolina, Telfair, Townsend, Webster, Wendover, Wilcox, Wilde, Willoughby, William Wilson, Woodward, Yancey, and Yates.

Nays—Messrs. Adams, Archer, Baylies, Bennett, Betts, Birdsall, Blount, Boss, Bradbury, Brooks, Caldwell, Cannon, Carr of Massachusetts, Champion, Clayton, Clendennin, Comstock, Cook, Crawford, Davenport, Desha, Hahn, Hale, Hardin, Henderson, Hendricks, Hooks, Hulbert, Jackson, Johnson of Virginia, Johnson of Kentucky, Kilbourn, King, Langdon, Little, Lyle, William Maclay, Marsh, Mason, McLean, Moffit, Moore, Moseley, Newton, Ormsby, Piper, Powell, Randolph, Reed, Root, Sharp, Smith of Maryland, Smith of Virginia, Strong, Sturges, Taul, Thomas, Vose, Wallace, Ward of Massachusetts, Ward of New York, Ward of New Jersey, Wheaton, Whiteside, Williams, and Thomas Wilson.

So the amendment was agreed to.

Mr. Sheffey and Mr. Randolph renewed the discussion of yesterday, made a number of remarks on subjects not perhaps immediately connected with the proposition before the House, but which had been introduced into the debate.

Mr. FORSYTH spoke at some length, and decidedly, against the passage of the resolution, as well because of the state of the country and our finances, as of the impolicy of annihilating entirely the system of internal duties.

A motion was then made to adjourn, and negatived.

Mr. MILLS moved to amend the resolution so as to make it provide that the duties on brown sugar, coffee, bohea, and souchong teas, imported spirits, and one or two other articles, should be reduced one-half.

The question being stated thereon, a division thereof was called for; and stated upon the first member thereof, to wit: on "brown sugar," when another motion was made to adjourn, which succeeded, and the House adjourned about five o'clock.

FRIDAY, February 21.

Mr. BRADBURY presented a petition of sundry inhabitants of the District of Maine, complaining of a late act of the Governments of the British provinces of Nova Scotia and New Brunswick, which subjects plaster of Paris to a duty of twenty shillings sterling per ton if exported to any part of the United States east of Boston, which act, also, prohibits the exportation of that article except in British ships; and praying that such regulations may be adopted as will countervail the injurious operation of the said act; which petition was ordered to lie on the table.

Mr. ROBERTSON presented a petition of sundry inhabitants of the western land district of the State of Louisiana, whose claims have been rejected by the Board of Commissioners, and praying for a revision of the decisions of the said commissioners.—Referred to the Committee on Private Land Claims.

Mr. HUGH NELSON, from the Committee on the Judiciary, reported a bill respecting the district court of the United States, in the northern district of New York; which was read twice, and committed to a Committee of the Whole on the bill providing for the redemption of the public debt.

Mr. LOWNDES, from the Committee of Ways and Means, to which was committed the bill from the Senate, entitled "An act for the relief of John Haslett," reported the same without amendment, and it was committed to a Committee of the Whole.

Mr. CHAPPELL, from the Committee on Pensions and Revolutionary Claims, to which was committed the bill from the Senate, entitled "An act granting a pension to Commodore Richard Taylor," reported the same with amendments; which were read, and together with the bill committed to the Committee of the Whole on the bill concerning invalid pensions.

Mr. CHAPPELL, from the Committee on Pensions and Revolutionary Claims, made a report on the petition of David Ross, for himself, and in behalf of the legal representatives of George Webb, deceased; which was read, and the resolutions therein contained are as follow:

Resolved, That the prayer of the petitioners so far as it relates to claims of further credits on the bond of Mr. Webb, ought *not* to be granted.

Resolved, That the proper officer of the Treasury Department take the necessary steps for terminating the suit instituted against George Webb, and others, of Virginia, and that when determined, he proceed forthwith to the collection of whatever amount may appear to be due the United States.

The first of the said resolutions were agreed to, and the second ordered to lie on the table.

Mr. CHAPPELL, from the Committee on Pensions and Revolutionary Claims, also reported a bill directing the transfer of unclaimed pensions, and limiting their payment at the Treasury only; which was read twice, and ordered to be engrossed, and read a third time on Monday next.

Mr. ROBERTSON, from the Committee on the Public Lands, reported a bill authorizing the sale of a fraction of land in the district of Vincennes; which was read twice, and committed to the Committee of the whole House on the bill to establish additional land offices in the Territory of Missouri.

Mr. HULBERT, from the committee to which was referred the petition of the Berkshire Association for the promotion of Agriculture and Manufactures, made a report thereon; which was read; when, Mr. H. reported a bill to establish a National Board of Agriculture; which was read twice, and committed to a Committee of the Whole.

Mr. JOHNSON, of Kentucky, from the Committee on Military Affairs, made unfavorable reports on the petitions of Archibald McDonald, of James Babbitt, of James H. Rose, of Isadore Rinensio, of Nimrod Young, and of Henry Bradley; also reports adverse to the propriety of allowing bounty to soldiers who enlisted prior to the commencement of the late war; to the expediency of allowing extra pay and bounty to the representatives of such soldiers as died before being mustered in their regiment; also on the propriety of making further provision for military services during the late war; which subjects had been committed to the consideration of the committee. The reports were all ordered to lie on the table.

Mr. FORSYTH, from the Committee of Foreign Relations, reported a bill to regulate the trade in plaster of Paris; which was twice read, and (after an unsuccessful motion by Mr. F. that the bill be ordered to be engrossed for a third reading, and not to take the usual course of going through a Committee of the whole House, which motion was opposed by Messrs. LITTLE, SMITH, of Maryland, BURWELL, and ROSS, as being too summary a course for the great importance of the subject, and supported by Messrs. FORSYTH and KING,) the bill was committed to a Committee of the whole House.

A message from the Senate informed the House that the Senate have passed bills of the following titles, to wit: "An act to establish a separate

Territorial government for the eastern part of the Mississsppi Territory;" and "An act to set apart and dispose of certain public lands for the encouragement of the cultivation of the vine and olive;" and the bill from the House, entitled "An act concerning the navigation of the United States," with amendments, in which bills and amendments they ask the concurrence of this House.

Mr. Jackson offered the following resolution, which he stated grew out of the report made a few days ago by the committee on the part of this House on the subject:

Resolved, That a committee be appointed on the part of the House of Representatives of the United States, to notify the honorable James Monroe of his election to the office of President of the United States, for the ensuing term of four years: and that the Speaker of this House cause a similar notice to be given to the honorable Daniel D. Tompkins of his election to the office of Vice President of the United States, for the same term.

The resolution being read, was agreed to, and a committee appointed accordingly.

And Messrs. Jackson and Pitkin, were appointed a committee pursuant to the said resolution.

The Speaker laid before the House a letter from the Secretary of the Navy, transmitting two hundred copies of the register of the officers of the Navy, for the use of the members of this House.

The following bills from the Senate, viz: the bill to establish a separate Territorial government for the eastern part of the Mississippi Territory; the bill to provide for reporting the decisions of the Supreme Court; the bill respecting the transportation of persons of color, for sale, or to be held to labor; and the bill to set apart and dispose of certain public lands for the encouragement of the cultivation of the vine and the olive; were severally twice read and referred; and

The amendments of the Senate to the bill concerning the navigation of the United States, were read and referred.

The following engrossed bills were severally read the third time, passed, and sent to the Senate for concurrence, to wit: the bill making provision for the support of the Military Establishment of the United States for the year 1817; the bill making additional appropriations to defray the expenses of the Army and militia during the late war; the bill making appropriations for the support of the Navy for the year 1817; the bill freeing from postage, hereafter, all letters and packets to and from James Madison; the bill supplementary to the act further to amend the several acts for the establishment of the Treasury, War, and Navy Departments; the bill to repeal the act providing for the safe-keeping and accommodation of prisoners of war; the bill concerning the compensation of the District Attorney for the district of Massachusetts; and the bill to authorize the extension of the Columbian turnpike within the District of Columbia.

The House then went into Committee of the Whole on the bill concerning invalid pensioners, and the bill granting a pension to Commodore Richard Taylor; which, having been considered and gone through, were reported to the House with amendments; and, with the amendments, severally ordered to be engrossed for a third reading.

INTERNAL DUTIES.

The question first under consideration was the motion made by Mr. Mills yesterday, and pending when the House adjourned, to reduce the duty on brown sugar, coffee, bohea, and souchong teas, imported spirits, and one or two other articles, one half.

Mr. Mills opposed the general repeal contemplated by the original resolution, and advocated his amendment; expressing his reasons at large for approving a steady but moderate system of internal taxation, as well a direct tax on lands, &c., as others, and particularly on ardent spirits and articles of luxury. When he had concluded,

Mr. Thomas, of Tennessee, for the purpose of coming to a decision on the question, and foreseeing no termination to the present discussion, demanded the previous question on the resolution.

The question was then put "Shall the previous question be now taken?" and decided in the negative—yeas 36.

Mr. Thomas then moved that the resolution be postponed to the 2d day of March, which was decided in the affirmative—yeas 82, nays 73, as follows:

Yeas—Messrs. Adgate, Alexander, Archer, Atherton, Baker, Barbour, Bassett, Bateman, Bennett, Betts, Birdseye, Breckenridge, Brown, Caldwell, Calhoun, Carr of Massachusetts, Chappell, Clark of New York, Clarke of North Carolina, Condict, Conner, Creighton, Crocheron, Findley, Forney, Forsyth, Gaston, Gold, Griffin, Hahn, Harrison, Heister, Hopkinson, Huger, Hulbert, Ingham, Irving of New York, Jackson, Johnson of Kentucky, Kent, Kerr of Virginia, Little, Lowndes, Lumpkin, McLean, Middleton, Miller, Mills, Milnor, Jeremiah Nelson, Thomas M. Nelson, Newton, Ormsby, Pickering, Pleasants, Rice, Robertson, Ross, Ruggles, Savage, Schenck, Smith of Pennsylvania, Southard, Stearns, Taggart, Tallmadge, Taul, Taylor of New York, Taylor of South Carolina, Telfair, Thomas, Townsend, Ward of Massachusetts, Webster, Wendover, Wilde, Wilkin, Willoughby, Thomas Wilson, Woodward, Yancey, and Yates.

Nays—Messrs. Adams, Baylies, Birdsall, Blount, Boss, Bradbury, Bryan, Burwell, Cady, Cannon, Champion, Cilley, Clayton, Clendennin, Comstock, Cook, Cooper Crawford, Culpeper, Davenport, Desha, Dickens, Edwards, Fletcher, Goldsborough, Hale, Henderson, Hendricks, Herbert, Hooks, Hungerford, Jewett, Johnson of Virginia, Kilbourn, King, Langdon, Law, Lewis, Love, Lyle, Lyon, William Maclay, William P. Maclay, Marsh, Mason, McCoy, McKee, Moffitt, Moore, Moseley, Hugh Nelson, Noyes, Parris, Peter, Pickens, Piper, Powell, Reed, Roane, Sharp, Smith of Virginia, Strong, Stuart, Sturges, Tyler, Vose, Wallace, Ward of New York, Ward of New Jersey, Wheaton, Whiteside, Wilcox, and Williams.

So the subject was laid on the table.

MILITARY ESTABLISHMENT.

The House proceeded to consider the report of the Committee of the whole House, made some days ago, on sundry bills connected with different branches of the Military Establishment.

The one first taken up was the bill authorizing the establishment of a national armory on the Ohio river or its branches.

This bill gave rise to considerable discussion, turning principally on the expediency of authorizing an additional armory at this time; in which the bill was opposed by Mr. YANCEY, on the ground of its partiality to the West, and denying a similar establishment to the South; and by Mr. SMITH, of Maryland, who moved the indefinite postponement of the bill; also, by Mr. CADY and Mr. PICKERING. It was advocated by Messrs. JOHNSON, of Kentucky, HARRISON, LOWNDES, HUGER, and McLEAN.

The motion for postponing the bill indefinitely was finally carried—ayes 70. So the bill was rejected.

The House then proceeded to consider the succeeding reports, on the bill to amend the act making further provision for military services during the late war; on the bill respecting the pay and emoluments of brevet officers; and on the bill concerning the invalids of the Revolutionary war, and the widows and children of the militia and of the soldiers of the Army during the late war. The two first bills were ordered to be engrossed for a third reading; and some discussion ensuing on the details of the bill last named, a motion was made to postpone the same indefinitely; when the House adjourned.

SATURDAY, February 22.

Mr. HALE presented a petition of sundry inhabitants of Portsmouth, in the State of New Hampshire, praying to the same effect with the petition presented yesterday by Mr. BRADBURY, from inhabitants of the District of Maine.—Referred to the Committee of the Whole on the bill to regulate the trade in plaster of Paris.

Mr. MIDDLETON presented a resolution of the General Assembly of the State of South Carolina, requesting that further measures may be adopted for arming and equipping the whole body of the militia of the United States, which was read and ordered to lie on the table.

The Committee of Claims were discharged from a further consideration of the several petitions, and other matters referred to them at the present session, and upon which they have not reported.

Mr. INGHAM, from the Committee on the Post Office and Post Roads, reported a bill to alter and establish certain post roads; which was read twice, and committed to a Committee of the Whole.

Mr. PICKERING, from the Committee on the African slave trade, to which was committed the bill from the Senate, entitled "An act respecting the transportation of persons of color, for sale, or to be held to labor," reported the same without amendment, and the bill was committed to a Committee of the Whole.

Mr. FORSYTH, from the Committee on Foreign Relations, to which was committed the amendments proposed by the Senate to the bill, entitled "An act concerning the navigation of the United States," reported their agreement thereto. The amendments were then read and concurred in by the House.

On motion of Mr. REYNOLDS, the House took up the bill for opening and cutting out a road from the Tennessee line through the Chickasaw country, &c., and (after an unsuccessful motion by Mr. CADY to postpone the bill indefinitely, and an unsuccessful attempt by Mr. KING to recommit it) the bill was ordered to be engrossed for a third reading.

Mr. GOLDSBOROUGH, from the committee appointed on the 25th instant, to present a resolution to the President of the United States, requesting him to report to the next session of Congress the best practicable mode of defending the waters of the Chesapeake, reported that the committee had performed that duty, and that the President answered it would not be in *his* power to comply with the request of the resolution, but that he had no doubt his successor would pay all due attention to it.

Mr. CANNON moved that the several orders of the day be postponed to Monday, and that the House proceed to the consideration of the resolution offered by him some weeks ago to reduce the Army; which motion was negatived—ayes 39, noes 69.

The following engrossed bills were severally read the third time, passed, and sent to the Senate, to wit:

The bill concerning invalid pensioners:

The bill to amend the act making further provision for military services during the late war; and

The bill concerning the pay and emoluments of brevet officers.

The last named bill was very earnestly opposed by Mr. HARRISON, who contended for a compensation corresponding to their brevet rank, to those officers, who, by their eminent services, had received the distinction of brevet promotion, and cited cases in which services had been so essential and so brilliant, as to have been rewarded with two brevets, and some instances in which a captain in the line was a Lieutenant Colonel by brevet, which rank ought to be supported by suitable emoluments.

The bill from the Senate for the relief of Commodore Richard Taylor, was read the third time, as amended by the Committee, and passed.

The House then took up the bill concerning invalids of the Revolutionary war, and of the widows and children of the militia, and of the soldiers of the Army during the late war, as reported by the Committee of the Whole—the motion made yesterday by Mr. TAYLOR, of New York, to postpone the bill indefinitely being under consideration.

This motion gave rise to considerable discus-

sion, in which Messrs. Jackson, Edwards, Johnson, of Kentucky, Harrison, and Comstock, opposed the postponement; and Messrs. Hardin and Taylor, of New York, supported it. The motion was finally decided in the affirmative by a decisive majority, and the bill indefinitely postponed.

A message from the Senate informed the House that they have passed bills of the following titles, to wit: "An act to provide for the purchase and distribution of the Laws of the United States;" and "An act for the relief of the legal representatives of Francis Cazeau, late merchant at Montreal;" in which bills they request the concurrence of this House.

PETITION OF JAMES VILLERE.

Mr. Yancey, from the Committee of Claims, made a report on the petition of James Villere; which was read; when Mr. Y. reported a bill for the relief of the said James Villere; which was read twice, and committed to the Committee of the Whole, on the bill for the relief of Caze and Richaud. The report is as follows:

That, at the time the State of Louisiana was invaded by the British forces, the petitioner, living near New Orleans, owned and occupied a valuable house, from which his family retired, and which was sometimes occupied by the British forces, and sometimes by the American, during the invasion. During this time, the troops of the United States used a quantity of his wood and some of his fencing for fuel. At the time the British forces left New Orleans, it was considered prudent and proper by General Jackson to fill up a canal through the plantation of the petitioner; in consequence of which a part of the plantation, which was planted with sugar cane, was overflowed, and continued so long overflowed, before the news of peace reached that place, that he was prevented from making a crop.

The petitioner prays to be paid the value of such injury as he has sustained, in consequence of the filling up of the canal, and the value of his wood and fencing.

It is difficult to determine, precisely, what are the damages for which the petitioner is entitled to indemnity. The committee, however, after having bestowed some consideration on the subject, are of opinion he should be paid the value of his wood and fencing necessarily used for fuel, a sum sufficient to open the canal, and one year's rent for such part of his plantation planted in sugar cane as was overflowed by filling up the canal; and therefore report a bill to that effect.

CANADIAN VOLUNTEERS, &c.

The House resolved itself into a Committee of the Whole, on the bill to amend the act granting bounties in land to certain Canadian volunteers. [Providing that no bounty shall be given to any of the said volunteers, except where it shall appear they have served the full term of — months, and whose name shall appear on the muster roll of the said corps, except prevented by wounds received in battle, &c., and instead of the mode of granting the bounty directed by the former act, to allow a bounty of —— acres, agreeably to rank.]

This bill occupied a good deal of time, and gave rise to considerable debate, partly on the policy of having granted the bounty at all, so widely discussed at the last session; but principally on the details of the bill, and the proper steps to prevent the frauds which it appears have been so extensively attempted by persons not entitled to the benefit of the act of last session. After the adoption of various amendments, the Committee rose and reported the bill; which was then ordered to be engrossed as amended.

The same Committee of the Whole reported, without amendment, the bill granting donations of land to the disbanded officers of the late Army, and then the bill was, on motion of Mr. Cannon, laid on the table.

After an attempt by Mr. Yancey, which he afterwards withdrew, to discharge the Committee of the Whole from the further consideration of the bills to establish an invalid corps, and for authorizing additional Military Academies, for the purpose of having them laid on the table, the House adjourned.

Monday, February 24.

Mr. Pope presented a resolution of the Legislature of the Territory of Missouri, requesting that certain companies of rangers raised in said Territory may be allowed their full pay; and that certain other rangers may also be allowed some compensation, as they were discharged in consequence of a greater number having enlisted than was required by law.

Mr. Pope presented another resolution of the Legislature of the said Territory, requesting that the right of pre-emption in the purchase of land may be extended to such of the inhabitants of that Territory, as lost their property by removing from the frontiers by order of Governor Howard.

Mr. Pope also presented another resolution of the Legislature of the said Territory, soliciting the establishment of additional post routes therein.

Ordered, That the said resolutions lie on the table.

Mr. Lowndes, from the Committee of Ways and Means, reported a bill, supplementary to "An act to regulate the duties on imports and tonnage;" which was read the first time, and ordered to be read a second time to-morrow.

On motion of Mr. Harrison,

Resolved, That the Secretary of War be, and he is hereby, instructed to report to this House, at their next session, the number and conditions of the contracts which have been made for the supply of arms for the United States, since the adoption of the present Constitution, specifying the loss, if any, which the public have sustained by the non-fulfilment of such contracts, or by the advance of money on account of the same; together with any other information he may possess tending to show the advantages or disadvantages attending that mode of obtaining arms, compared with that of national armories; and that he report therewith the amount of money expended in each of the present national armories, the

number and species of arms there manufactured, and the number and species of arms repaired.

On motion of Mr. SMITH, of Maryland, it was agreed that a joint committee of both Houses be appointed to examine and report to their respective Houses what business is pending before them, and which it is indispensable to act upon previous to the adjournment; and Messrs. SMITH of Maryland and YANCEY were appointed on the part of this House.

The Committee of the Whole, to whom were committed the bill for the establishment of an invalid corps, and the bill making provision for three additional Military Academies, were discharged therefrom; and the said bills were postponed indefinitely.

The bill from the Senate "to provide for the purchase and distribution of the Laws of the United States," and the bill "for the relief of the legal representatives of Francis Cazeau, late merchant at Montreal;" were severally twice read, and committed.

The following bills, which originated in this House, were severally read a third time, and passed:

A bill to amend the act, entitled "An act granting bounties in land and extra pay to certain Canadian volunteers," passed on the 5th March, 1816; a bill "for the relief of certain officers;" and a bill "making an appropriation for opening and cutting out a road therein described."

The bill "to establish an uniform system of bankruptcy," was indefinitely postponed.

The bill "to authorize the settlement and payment of certain claims for the service of the militia," passed through a Committee of the Whole, and was ordered to lie on the table.

A message from the Senate informed the House that the Senate have passed bills of the following titles: An act to provide for the punishment of crimes and offences committed within the Indian boundaries; an act making reservation of certain public lands to supply timber for naval purposes; an act to authorize the appointment of a surveyor for the lands on the northern part of the Mississippi Territory, and the sale of certain lands therein described; an act authorizing vessels departing from the town of the Bayou St. John and basin of the Canal de Carondelet for foreign ports, to clear out at the custom-house in New Orleans; an act in addition to an act, entitled "an act for the more convenient taking of affidavits and bail in civil causes depending in the courts of the United States;" an act to divide the State of Pennsylvania into two judicial districts; and an act for the relief of the legal representatives of John J. Yarnall, deceased; in which bills they ask the concurrence of this House.

The bill from the Senate, entitled "An act to provide for the punishment of crimes and offences committed within the Indian boundaries," was read twice, and committed to the Committee on Indian Affairs.

The bill from the Senate, entitled "An act making reservation of certain public lands to supply timber for naval purposes," was read twice, and referred to the Committee on the Public Lands.

The bill from the Senate, entitled "An act to authorize the appointment of a surveyor for the lands in the northern part of the Mississippi Territory, and the sale of certain lands therein described," was read twice, and referred to the Committee on the Public Lands.

The bill from the Senate, entitled "An act authorizing the vessels departing from the town of the Bayou St. John and basin of the Canal de Carondelet, for foreign ports, to clear out at the custom-house in New Orleans," was read twice, and committed to the Committee of Commerce and Manufactures.

The bill from the Senate, entitled "An act to divide the State of Pennsylvania into two judicial districts," was read twice, and referred to the Committee on the Judiciary.

The bill from the Senate, entitled "An act in addition to an act, entitled 'An act for the more convenient taking of affidavits and bail in civil causes depending in the courts of the United States," was read twice, and referred to the Committee on the Judiciary.

The bill from the Senate, entitled "An act for the relief of the legal representatives of John J. Yarnall, deceased," was read twice, and ordered to be read a third time to-day. It was read the third time accordingly, and passed.

MISSISSIPPI TERRITORY.

The bill from the Senate, "to enable the people of the western part of the Mississippi Territory to form a constitution and State government, and for the admission of such State into the Union, on an equal footing with the original States," passed through a Committee of the Whole, and was reported to the House; whereupon,

A motion was made by Mr. PICKENS, to strike out all the said bill, after the enacting clause, and, in lieu thereof, to insert the bill reported by a select committee of this House on the 17th ult., for the admission of the whole Territory into the Union as a State; which motion was negatived.

A motion was then made by Mr. TAYLOR, of New York, that the said bill, and the whole subject, be postponed indefinitely; which motion was decided in the negative—yeas 62, nays 80, as follows:

YEAS—Messrs. Adams, Atherton, Bateman, Baylies, Bennett, Boss, Bradbury, Brown, Bryan, Cady, Caldwell, Cilley, Clayton, Cooper, Crawford, Davenport, Dickens, Forney, Gaston, Griffin, Hahn, Hale, Heister, Hopkinson, Ingham, Jewett, Kent, Langdon, Law, Lyon, William P. Maclay, Marsh, Mason, Mills, Milnor, Moffitt, Jeremiah Nelson, Thomas M. Nelson, Noyes, Pickens, Pickering, Reed, Rice, Ruggles, Smith of Pennsylvania, Smith of Maryland, Stearns, Strong, Stuart, Sturges, Taggart, Tallmadge, Taylor of New York, Taylor of South Carolina, Vose, Ward of Massachusetts, Webster, Wheaton, Wilcox, William Wilson, and Yancey.

NAYS—Messrs. Adgate, Alexander, Archer, Baker, Barbour, Bassett, Betts, Birdsall, Blount, Brooks, Calhoun, Cannon, Carr of Massachusetts, Chappell, Clark

of New York, Clarke of North Carolina, Clendennin, Comstock, Condict, Cook, Creighton, Culpeper, Desha, Edwards, Fletcher, Forsyth, Gold, Goodwyn, Hardin, Harrison, Henderson, Hendricks, Hooks, Huger, Hulbert, Hungerford, Jackson, Johnson of Virginia, Johnson of Kentucky, Kerr of Virginia, King, Little, Lovett, Lowndes, Lumpkin, Lyle, McCoy, McLean, Middleton, Miller, Moore, Hugh Nelson, Newton, Parris, Peter, Pleasants, Powell, Reynolds, Roane, Robertson, Root, Ross, Savage, Schenck, Sheffey, Smith of Virginia, Taul, Thomas, Tyler, Wallace, Ward of New York, Wendover, Whiteside, Wilde, Wilkin, Williams, Willoughby, Thomas Wilson, Woodward, and Yates.

A motion was then made by Mr. Taylor, of New York, to amend the said bill, by inserting in the fourth section thereof, after the words "United States," in the ninth line of that section, these words:

"And that in case the said convention shall form a constitution and State government for the people of the said Territory of Mississippi; the said convention, as soon thereafter as may be, is hereby required to cause to be transmitted to Congress a true and attested copy of such constitution or frame of State government, as shall be formed and provided by the said convention; and if the same shall not be disapproved by Congress at its next session after the receipt thereof, the said State shall be admitted into the Union upon the same footing with the original States."

This motion was negatived, and the bill was ordered to be engrossed for a third reading.

The House resolved itself into a Committee of the Whole on the bill from the Senate, entitled "An act for the relief of the heirs of Landon Carter," and on several other bills of a private nature, but did not finally act on them before an adjournment took place.

Tuesday, February 25.

Mr. Lowndes, from the Committee of Ways and Means, reported a bill to provide for the furnishing the house of the President of the United States; which was read twice, and committed to the Committee of the Whole on the bill to provide for the redemption of the public debt.

The following resolution was submitted by Mr. Hugh Nelson:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of lessening the duties upon wines, imported from France, and other foreign countries, and report to this House thereupon.

The said resolution was read, and on the question, "Will the House now consider the same?" it was determined in the negative.

On motion of Mr. Forsyth, the Committee of Commerce and Manufactures were instructed to inquire into the expediency of making Darien, in the State of Georgia, a port of entry and delivery.

The bill reported yesterday by the Committee of Ways and Means, supplementary to an act to regulate the duties on imports and tonnage, was read the second time, and ordered to be engrossed and read a third time to-morrow.

The House spent some time in Committee of the Whole on the report of the Committee on Pensions and Revolutionary Claims on the petition of Ann Welch; and having reported progress, the House refused the Committee of the Whole leave to sit again, and the report was laid on the table.

The bill for the relief of Isaac Lawrence, and others, passed through a Committee of the whole House, was amended, and ordered to a third reading.

A message from the Senate informed the House that the Senate have passed the bill from this House, entitled "An act to amend the act authorizing the payment for property lost, captured, or destroyed by the enemy, while in the military service of the United States, and for other purposes," passed the 9th of April, 1816, with amendments, in which they ask the concurrence of this House.

LETTER FROM JUDGE TOULMIN.

The Speaker presented a letter addressed to him by Harry Toulmin, Judge of the Superior Court of the United States for the Mississippi Territory, enclosing certain depositions in relation to the charges made against him by Edwin Lewis, of that Territory; which letter and depositions were referred to the Committee on the Judiciary. The letter is as follows:

Washington City, *February*, 1817.

Sir: I was truly surprised, on my arrival at Washington City, which I visited at the request of the representatives of a large proportion of the people of the Mississippi Territory, to find that some very extraordinary charges had been transmitted against me by Mr. Edwin Lewis. As I had no conception that any such attack was in agitation, I am unprovided with testimony to refute the specific charges, and as my place of residence is more than one thousand miles from this city, it was impossible that I could procure it sufficiently soon to be exhibited to the present Congress. Letters, which I have received from thence, have been more than forty days on their passage, and none of them have intimated that any such attack as that made by Mr. Lewis was known in this Territory.

My object, sir, in troubling you with this address, is not so much to enter into an examination of the allegations made by my accuser, as to express my hope that if the communication of Mr. Lewis has not, on the very face of it, such marks of passion as to render it unworthy of any further notice from Congress, he may, at least, be confined to those charges of "treason, bribery, or other high crimes and misdemeanors," which, agreeably to the Constitution, are the only grounds of impeachment; and that, if he should venture to renew his attack, he be directed to furnish me with a copy of his charges, before he transmits them to the Congress of the United States.

My accuser brings forward nine specific charges against me. Five of these are for deciding erroneously, as he says, in which he was a party, and in two an attorney.

The Congress, I am satisfied, will not presume that a party is more impartial than the judge; nor will it convert itself into a court of errors and appeals, by entering into an examination of the correctness of a judgment, but will confine the accuser to those charges

of corruption or vicious bias, of which the Congress can properly take notice. Not that I feel any sort of apprehension from any scrutiny which might be made of the correctness of my decisions; but I know that the Congress would not feel itself authorized to enter into the investigation; and I am well aware of the inconvenience and difficulty which would attend the production of the records of eight different courts, which I attend twice a year, and the average distance of which, from my place of residence, is nearly sixty miles.

Of the three criminal cases, which he has brought into view; the neglect which he complains of in two of them, if there has been any neglect at all, must have been, not in the court, but in the prosecuting attorney. In one of them, Mr. Lewis was himself the real plaintiff against an officer of the United States, who cut some timber from a piece of land, to which Mr. Lewis obtained a pre-emption title. This case must have occurred at least ten years ago. I never heard of any complaint before of the conduct of the court, and, therefore, may not have an accurate recollection of the circumstances; but I think it highly probable that the Attorney General might have deemed it improper to push a prosecution against a military officer for cutting timber for the purpose of erecting a fort on the lands of the United States; although Mr. Lewis obtained, about the same time, the privilege of purchasing them. That Attorney General now resides in Tennessee, and I am sure is able to defend himself. Another case is of more recent date; but I never heard of the circumstances before. Mr. Lewis says, that the court did not recognise witnesses to appear, when it ought to have done so. Here, I suppose it was the duty of the public prosecutor to apply to the court for that purpose; but it is not alleged that he did so apply, or that the court rejected the application.

The other case is one in which a father and his two young sons were convicted of larceny. The court punished the father more than the sons. Mr. Lewis says, they all ought to have been punished alike. And he is right; if the court were compelled to pass judgment agreeably to the clause of the statute to which Mr. Lewis alludes—but the court was of opinion that the indictment was founded on another clause of the criminal law of the Territory, which left a discretion with the court; and judgment was given accordingly, and the father received only five lashes less than the law permitted to be given, whilst the boys received twenty or twenty-five less.

The remaining specific charge exhibited by Mr. Lewis (though placed first in the catalogue) is that the accused held court in Mobile, and heard and decided divers causes on the holy Sabbath.

The truth is, that after a long and fatiguing circuit then drawing to a close, being in a town where all the public worship consisted in some ceremonies performed by a Spanish priest, and without one word to explain them, and where it is believed the billiard table is frequented more even on the Sunday than any church whatsoever, I did even on that day afford to the gentlemen of the bar the opportunity of innocent and useful employment in making some motions and arguing some principles. But no court in any other sense was held; no jurors nor witnesses were summoned, and no sheriff required to attend. Business was put in a train for being done on the next day. I know of no law which forbad this harmless occupation; my own principles did not forbid it under the peculiar circumstances of the case, and the Congress of the present day cannot class it among the number of high crimes and misdemeanors, without passing judgment by implication at least on the Congress of 1799, who performed a great deal of legislative business on a Sunday, and on the Congress of 1805, who followed their example. And yet, sir, I must pray you to pardon me for saying that I do not profess to make the conduct of even the august body over which you preside the standard of my faith and practice. But I have no doubt of the purity of their principles, or the correctness of their conduct; and I hope that they will exercise some degree of liberality in judging of mine. I have made these observations, sir, for the purpose of showing the reasonableness of the first object of this application, viz., that my accuser may, in exhibiting charges, be confined within the pale of the Constitution.

My second object is, that he be required to furnish me with a copy of such charges as he may hereafter make. I live, sir, at least 1,000 miles from the Seat of Government. If such charges be sent against me to such a distance, it will be difficult to obtain a knowledge of them after they reach this place and send an answer to them during the same session. The House of Representatives, I presume, would always wish to have as strong evidence as the nature of the case will admit of, before they even prefer an accusation. They will not act upon a partial and possibly a distorted representation of circumstances when it can conveniently be avoided. The situation of public officers so remote from the Seat of Government is peculiar. If they are not apprized of charges beforehand, they cannot for a long time unravel the web of the false accuser, and it is a very serious thing to a judicial officer to be held up for twelve months as an object of suspicion by the legislative body. It is not only serious to the individual, but it is serious to the cause of public justice; for you will not everywhere find men, sir, who are willing to brave the tempest to be raised by all the bad passions of the selfish and perverse, when the very first blast of it is attended with effects so appalling.

As to the general charges of partiality, oppression, &c., scattered through Mr. Lewis's letter, I am able to meet them at once; and as they have been read to the House, I trust that the refutation of them will also be read. Major Hargrave, a truly worthy man, and an old soldier and officer of the Revolution from 1775 to the end of the war, and another citizen of respectable standing, and holding a judicial office in our Territory, are now in the city. They have testified as to my conduct for eleven years past, and you yourself, sir, and others from Kentucky, know what it was for ten preceding years. I believe, sir, that I possess a full share of the confidence of my fellow-citizens; but popularity will always have its ebbings, and, perhaps, its flowings with every independent magistrate. And, considering that the eastern part of the Mississippi Territory was a frontier country, and under very peculiar circumstances of embarrassment, and that I was the only Federal officer there in the civil department charged with the maintenance of the laws, I should have reason to be ashamed of myself if I could boast that I have *always* been popular,

No, sir; under all circumstances I felt it to be my duty to maintain the laws; and at a moment when an impulse very natural to men oppressed by the Spaniards, as my fellow-citizens had been, rendered the

illegal project of invading Florida extremely popular, and when troops were actually levied and marched for the purpose, I did not hesitate to resist the torrent, and successfully exerted myself in maintaining the national neutrality.

Civil officers, sir, are less fortunate in some respects than military officers. Military officers, if they triumph at all, triumph over the common enemy. They are hailed, therefore, with unmingled applause. But the humble triumphs of the civil officer are over enemies in the bosom of the Republic; and the applause which greets him, is, for a time at least, exactly, if you will pardon me for using a phrase of the schools—his applause is exactly in the *inverse ratio* of his dangers, his difficulties, and his successes. The *tamest champion* of the laws is the champion most exalted.

Under all circumstances, however, I have felt a support in the consciousness of having discharged my duty; and it has afforded some little consolation to me to know that my lot was common to men in similar circumstances; and that if, when presiding as a judicial officer over a district not larger perhaps than Great Britain, I have been attacked by the tongue of slander, and accused of high offences; attacks and accusations equally serious and equally groundless have been made by men much more respectable than my adversaries against every President of the United States save one.

I have the honor to be, very respectfully, sir, your obedient servant. HARRY TOULMIN.

SINKING FUND, &c.

The House then resolved itself into a Committee of the Whole on the bill for the redemption of the public debt. [Providing, substantially, to make the Sinking Fund ten millions annually; and to add to the fund of ten millions, the further sum of nine millions, (the existing surplus in the Treasury;) thus, making the whole sum applied this year to the reduction of the debt, amount to nineteen millions of dollars. Also, authorizing the Secretary of the Treasury, at any time during the present year, to pay to the Commissioners of the Sinking Fund the further sum of four millions, to be considered as an advance to that amount on the appropriation of ten millions, payable in the next year. Also, vesting in the Commissioners of the Sinking Fund, to be applied to the redemption of the debt, any surplus which may hereafter accrue over and above the sum of two millions, to be always retained in the Treasury.] The bill having been read—

Mr. LOWNDES rose, and, in a speech of considerable length, submitted the views of the Committee of Ways and Means in recommending the present bill, and advocated the policy of applying the proposed sums to the redemption of the public debt.

Mr. GASTON moved the addition of a clause, directing the Commissioners of the Sinking Fund to apply the surplus which may accrue, to the purchase of the Government stock, held by the Bank of the United States, if not elsewhere to be obtained, on the terms allowed by this bill, (par.)

This motion produced a good deal of debate, and was finally agreed to without a division.

The bill having been gone through, and the blanks therein filled—

The Committee took up, successively:

The bill to repeal so much of any acts now in force as authorizes an issue of Treasury notes;

The bill authorizing the payment to the State of Georgia of the discount on her quota of the direct tax;

The bill respecting appeals from the assessment of the direct tax;

The bill to authorize the captains of vessels to deposite papers with our Consuls in foreign ports; and

The report of the Committee of Ways and Means on the bill from the Senate, providing for the more prompt settlement of public accounts.

These bills were severally considered and variously amended.

The last named bill, and the amendments thereto reported by the Committee of Ways and Means, produced a good deal of debate. One feature particularly (the power proposed to be given to the Solicitor of the Treasury to decide who are delinquents, and recover, by summary process, debts due to the Government by individuals) was earnestly opposed by Mr. WEBSTER, Mr. ROBERTSON, and Mr. HOPKINSON, and supported by Mr. LOWNDES, Mr. CALHOUN, and Mr. CADY. All the amendments of importance were agreed to, however, by the Committee of the Whole; and then—

The Committee rose and reported the bills and their amendments to the House.

The report first taken up, was on the bill providing for the redemption of the public debt, and the House agreed to the amendments reported.

Mr. JOHNSON, of Virginia, opposed the bill at considerable length, and with much zeal; not that he was averse to paying off the debt of the nation as rapidly as the interest of the country would permit, but because the sum proposed to be added and pledged to the Sinking Fund, would form hereafter an argument against abolishing the system of internal taxes, which he condemned in time of peace, and wished to see put down as quickly as possible. Mr. J. concluded by moving that the two appropriations of nine millions and four millions, (in addition to the regular sum of ten millions,) proposed by the bill, should be deemed and considered as an advance, and part of the fund of ten millions for the three succeeding years.

After some remarks by Mr. LOWNDES, in opposition to the motion, and reply by Mr. JOHNSON, the motion was lost—ayes 46, noes 70.

The bill was then ordered to be engrossed for a third reading; and the amendments of the Committee of the Whole to the remaining bills reported by the Committee, with the exception of the one last named above, were successively agreed to, and the bills ordered to be engrossed.

The House then took up the report of the Committee of the Whole on the bill next in order, referred to above, (to provide for the more prompt settlement of public accounts.)

The debate was resumed on the powers pro-

posed to be vested in the Solicitor of the Treasury, (one of the new officers to be created,) and continued until past 4 o'clock; when, after resisting two previous motions to adjourn, the House adjourned.

WEDNESDAY, February 26.

Mr. CONDICT presented a petition of Benjamin Henry Latrobe, Surveyor of the Capitol of the United States, in the City of Washington, stating the reasons of his not being able to furnish in time to the Committee on Expenditures on the Public Buildings, a detailed estimate of the moneys necessary to complete the Capitol, and praying that such steps may be taken as may enable him to place his conduct, respecting the estimate submitted and the plan of the Capitol, in its true light; which petition was ordered to lie on the table.

Mr. HOPKINSON presented a petition of the Philadelphia Society for promoting American Manufactures, praying that such measures may be adopted as will enable the manufacturers within the United States to continue their operations.—Referred to the Committee of Commerce and Manufactures.

Mr. ROBERTSON, from the Committee on the Public Lands, to which was referred the bill from the Senate, entitled "An act making reservation of certain public lands to supply timber for naval purposes," reported the same with amendments; which were read, and concurred in by the House, and the amendments ordered to be engrossed, and, together with the bill, read a third time to-day.

Mr. ROBERTSON, from the same committee, to which was also referred the bill from the Senate, entitled "An act to authorize the appointment of a surveyor for the lands in the northern part of the Mississippi Territory, and the sale of certain lands therein described," reported the same with amendments; which were read, and concurred in by the House, and the amendments ordered to be engrossed, and, together with the bill, read a third time to-morrow.

Mr. H. NELSON, from the Committee on the Judiciary, to which was referred the bill from the Senate, entitled "An act in addition to the act, for the more convenient taking affidavits and bail in civil causes depending in the courts of the United States," reported the same without amendment, and the bill was ordered to be read a third time to-day.

Mr. CONDICT, from the Committee on the Expenditures on the Public Buildings, to whom was referred the letter and estimate of the Commissioner in relation the public square, made a report, as follows:

"The Committee on Public Buildings, to whom was referred the letter and estimate of the Commissioner in relation to the public square, report—that at the last session of Congress, the sum of $30,000 was appropriated for the purpose of improving the public square east of the Capitol, which sum has been expended, and is found to be insufficient for its completion, from causes stated in the letter of the Commissioner. The Committee are of opinion that it will better comport with the original design of the City, and be more satisfactory to the public, to omit the interior wall, in front of the Capitol, and extend the enclosure around the semi-circular area, west of the building. They respectfully submit the following resolution:

Resolved, That it is expedient to appropriate the sum of —— dollars, to complete the improvement of the public square, and that the Commissioner be instructed, with the approbation, and under the direction of the President of the United States, to enclose the semi-circular area west of the Capitol."

The report was ordered to lie on the table.

Ordered, That the Committee on Pensions and Revolutionary Claims be discharged from a further consideration of the resolution instructing them to inquire what further provision by law is requisite to enable riding-masters of the Revolutionary war to receive a bounty in land, equal to that allowed to other officers of the same rank.

The House then resumed the unfinished business, on the bill from the Senate, to secure accountability of public moneys, &c.; and much debate took place on amendments proposed to it, in which Messrs. JACKSON, FORSYTH, LOWNDES, HARDIN, HOPKINSON, ROOT, CALHOUN, and others, engaged. The principal question was on a coercive power proposed to be given to the comptrolling officers of the Treasury against public defaulters, which, on the one hand, it was contended was made necessary by the evils experienced from the laxity of the present system of accountability; and, on the other hand, was opposed as being a violation of the spirit if not the letter of those parts of the Constitution which guard the trial by jury and the liberty and property of the citizen.

The bill was finally recommitted for the purpose of revising its details.

The bill from the Senate, entitled "An act to enable the people of the western part of the Mississippi Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States," was read the third time, amended by unanimous consent, and passed.

Engrossed bills of the following titles, to wit: An act supplementary to an act to regulate the duties on imports and tonnage; an act for the relief of Isaac Lawrence and others, merchants, residing in the city of New York; an act to provide for the redemption of the public debt; an act to repeal so much of any acts now in force as authorizes a loan of money or an issue of Treasury notes; an act respecting the assessment and collection of the direct tax; an act authorizing the deposite of the papers of foreign vessels with the Consuls of their respective nations; an act to authorize the Secretary of the Treasury to pay to the State of Georgia fifteen per centum upon the quota of the direct tax for the year 1816, assumed and paid by that State; were severally read the third time, and passed.

The bill from the Senate, entitled "An act

making reservation of certain public lands to supply timber for naval purposes," was read the third time as amended, and passed.

The bill from the Senate, entitled "An act in addition to an act, entitled 'An act for the more convenient taking of affidavits and bail in civil causes, depending in the courts of the United States,'" was read the third time, and passed.

The amendments proposed by the Senate to the bill, entitled "An act to amend the act, entitled 'An act authorizing the payment for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes,' passed the 9th of April, 1816," were read; and a motion was made by Mr. Yancey to refer the said bill and amendments to the Committee of Claims: When a motion was made by Mr. Clark, of New York, that the bill be postponed indefinitely, and the question being taken thereon, it was determined in the negative. The question was then taken on the motion to refer to the Committee of Claims, and passed in the affirmative.

The House resolved itself into a Committee of the Whole on the bill for the relief of Caze and Richaud, and on the several other bills committed to the said Committee of the Whole. And after some time spent therein, the Committee rose and reported the bill for the relief of Caze and Richaud; as also the bill for the relief of William Chism; the bill for the relief of Joseph I. Green; the bill for the relief of Caleb Nichols; the bill for the relief of Alexander Holmes and Benjamin Hough; the bill for the relief of Madame Montreuil; the bill for the relief of James H. Boisgervais; the bill for the relief of Antoine Bienvenu; the bill for the relief of Peter Cazlard; the bill for the relief of John de Castanado; the bill for the relief of Joumonville de Villiers; the bill for the relief of George Buckmaster; the bill for the relief of Berthelemy Duverges; the bill for the relief of William Oliver; the bill for the relief of James Orr; the bill for the relief of Peter Kindall; the bill for the relief of Charles Williams; the bill for the relief of Asa Wells; the bill for the relief of Peyton Short; the bill for the relief of James Villere; the bill from the Senate authorizing the settlement of the accounts of Flavil Sabin, deceased; the bill for the relief of the legal representatives of Ignace Chalmet Delino, deceased, and of Anthony Cruzat and L. P. Duverges; and the bill for the relief of Mary Wells, with an amendment to the latter, which was read and concurrred in by the House; and the several bills above mentioned were ordered to be read a third time to-morrow.

The House resolved itself into a Committee of the Whole on the bill making provision for the location of the lands reserved by the first article of the treaty of the 9th of August, 1814, between the United States and the Creek nation, to certain chiefs and warriors of that nation, and for other purposes; and on the several other bills committed to the said Committee of the Whole; and after some time spent therein, the Committee rose, reported progress, and had leave to sit again.

Thursday, February 27.

Mr. Clark, of New York, presented a petition from sundry inhabitants of the western part of the State of New York, praying that Portland, on Lake Erie, may be made a port of entry and delivery; which was ordered to lie on the table.

Mr. Hugh Nelson, from the Committee on the Judiciary, reported a bill, supplementary to the act, entitled, "An act directing the disposition of money paid into the courts of the United States," approved the 18th of April, 1814; which was read twice, and ordered to be engrossed and read a third time to-day.

Mr. Nelson, from the same committee, to which was referred the bill from the Senate entitled, "An act to divide the State of Pennsylvania into two judicial districts," reported the same without amendment, and the bill was ordered to be read a third time to-morrow.

Mr. Pleasants, from the Committee on Naval Affairs, made a report on the petition of Stephen Champlin; which was read, and the resolution therein contained was concurred in by the House.

The report is as follows:

The petitioner states that he is a lieutenant in the Navy of the United States; that, during the year 1814, he commanded the schooner Tigress, then cruising on Lake Huron; that on the night of the 3d of September, he was overpowered by a superior British force, himself badly wounded, and, with his vessel and crew, captured by the enemy; that the petitioner was plundered after the capture of private property of the value of five hundred dollars, for which loss he prays to be compensated by the Government.

The committee, on examining this question, find no precedents to justify them in recommending it to the House to grant the prayer of the petition, but believe that a number of applications on similar principles have been rejected; they therefore recommend to the House the following resolution:

Resolved, That the prayer of the petition ought not to be granted.

Mr. Smith, of Maryland, from the joint committee, appointed to examine and report what business is necessary to be acted upon at the present session, made a report; which was read, and ordered to lie on the table.

Mr. Chappell, from the Committee on Pensions and Revolutionary Claims, to which was referred the bill from the Senate entitled "An act for the relief of the legal representatives of Francis Cazeau, late merchant at Montreal, reported the same without amendment, and the bill was committed to the Committee of the Whole on the bill for the relief of the widow and minor children of Abraham Owen, deceased.

An engrossed bill entitled, "An act for the relief of John De Castanado," was read the third time, amended by unanimous consent, and passed.

The amendment to the bill confirming the title of Miller and Futton, to a tract of land on the Bayou Bœuf, in the State of Louisiana, was read, which said amendment proposes to strike

out the first section. And on the question to concur with the Committee of the whole House in striking out the said section, it passed in the affirmative. And so the said bill was rejected.

Engrossed bills of the following titles, to wit: An act for the relief of James Caze and John Richaud; an act for the relief of William Chism; an act for the relief of Joseph J. Green; an act for the relief of Caleb Nichols; an act for the relief of Alexander Holmes and Benjamin Hough; an act for the relief of Madame Montreuil; an act for the relief of James H. Boisgervais; an act for the relief of Antoine Bienvenu; an act for the relief of Peter Cazlard; an act for the relief of Joumonville de Villers; an act for the relief of George Buckmaster; an act for the relief of Berthelemy Duverges; an act for the relief of William Oliver; an act for the relief of James Orr; an act for the relief of Peter Kindall; an act for the relief of Charles Williams; an act for the relief of Asa Wells; an act for the relief of Peyton Short; an act for the relief of James Villere; an act for the relief of Mary Wells; and an act supplementary to the act, entitled, "An act directing the disposition of money paid in the courts of the United States," approved the 18th of April, 1814; were severally read the third time and passed.

Bills from the Senate of the following titles, to wit: an act authorizing vessels departing from the town of the Bayou St. John, and Basin of the Canal de Carondelet, for foreign ports, to clear out at the custom-house in the city of New Orleans; an act authorizing the settlement of the accounts of Flavil Sabin, deceased; an act for the relief of the legal representatives of Ignace Chalmet Delino, deceased, and of Anthony Cruzat and L. P. Duverges; were severally read the third time and passed.

The bill from the Senate, entitled, "An act to authorize the appointment of a surveyor for the lands in the northern part of the Mississippi Territory, and the sale of certain lands therein described," was also read the third time and passed as amended.

The title of the latter bill was amended so as to read, "An act concerning the sale of certain lands therein described."

The House resolved itself into a Committee of the Whole on the bill for the relief of the widow and minor children of Abraham Owen, deceased, and on the several other bills committed to the said Committee of the Whole; and after some time spent therein, the Committee reported the bill for the relief of the widow and minor children of Abraham Owen, deceased; the bill for the relief of Thomas and John Clifford, Elisha Fisher & Co., and Thomas Clifford & Son; and the bill from the Senate for the relief of the legal representatives of Francis Cazeau, late merchant at Montreal, without amendment.

The two first mentioned bills were ordered to be engrossed, and respectively read a third time to-morrow.

A motion was then made by Mr. INGHAM, that the bill for the relief of the legal representatives of Francis Cazeau, be laid on the table; which motion was rejected by the House, and the bill was ordered to be read a third time to-morrow.

The House resolved itself into a Committee of the Whole on the bill in addition to an act, entitled, "An act for the relief of John Thompson," and the bill from the Senate directing the discharge of William Smith from imprisonment. The committee reported the bills without amendment, and they were ordered to a third reading to-morrow.

A message from the Senate informed the House that the Senate have passed a bill entitled, "An act authorizing a subscription for the printing of the tenth volume of public documents," in which they ask the concurrence of this House.

The bill was read twice and committed to the Committee of the Whole, to which is committed the bill to regulate and fix the compensation of clerks.

The Committee of the Whole to which is committed the bill of this House, for the relief of William Smith, senior, were discharged from a further consideration of the same, and it was ordered to lie on the table.

The Committee on Naval Affairs was, by order of the House, discharged from the consideration of the petitions of Catherine Young, of Charles Waggoner, of Thomas Church, jr., of Thomas Ewell, of John C. Shindle, of Samuel Cheney, of the Surgeons in the Navy: and they were ordered to lie on the table.

Mr. LOWNDES, from the Committee of Ways and Means, to whom was recommitted the bill "to provide for the prompt settlement of the public accounts," reported sundry amendments thereto; which were concurred in, and the bill was ordered to be read a third time.

Mr. NEWTON, from the Committee of Commerce and Manufactures, having reported without amendment the bill from the Senate "authorizing vessels departing from the town of the Bayou St. John and Basin of the Canal de Carondelet, for foreign ports, to clear out at the custom house in the city of New Orleans," the bill was ordered to be read a third time.

Mr. CONDICT, from the Committee on the Expenditures on the Public Buildings, reported a bill making further provision for repairing the public buildings and improving the public square; which was twice read, and committed.

The committee appointed on the memorial of the Society for propagating the Gospel among the Indians and others, were discharged therefrom, and the petition ordered to lie on the table.

CASE OF JUDGE TOULMIN.

Mr. NELSON, from the Committee on the Judiciary, to whom was referred the petition of Edwin Lewis, containing charges of improper and extra-judical conduct against Harry Toulmin, a Judge of the Court of the United States in the Mississippi Territory, made the following report:

"The Committee on the Judiciary, to whom were referred sundry documents furnished by Edwin Lewis to this House, containing charges against Judge Toul-

min, which the said Lewis averred that he could maintain and prove, have had them under consideration, and report, that there is no evidence whatever contained in those documents which could warrant any proceeding against Judge Toulmin: that the Committee, although the charges are none of them proved, yet, conceiving themselves bound to give notice, as far as practicable, to the citizen from whom the charges came, that they are prepared to receive testimony to enable them to form a correct judgment upon the law, addressed a letter to Edwin Lewis, stating that this case was referred by the House of Representatives to their consideration, and gave him notice that he should forthwith adduce such testimony as he had pledged himself to produce in verification of his charges. The Committee have been furnished with no other testimony. From the remoteness of the residence of Lewis, time sufficient may not have elapsed for the testimony, if any could be produced, to have reached this place. The Committee consider it improper that this case should be longer continued, upon the slender ground on which it now appears to be founded, to the annoyance of the Judge; inasmuch as Lewis will not be precluded from again submitting this subject to Congress, should he be able to support, by proper testimony, his allegations. Lewis, being a lawyer, must have known that he ought to have exhibited testimony in support of his charges at the time of producing them, if such testimony had existence; and particularly as he alleges that some of them could be proved by the records of courts of justice, he might easily have supplied abstracts from the records. The Committee are of opinion that no further proceedings ought to be had in this case, and, therefore, ask to be discharged from further considering this subject."

The report was concurred in, and the Committee discharged from the subject.

CULTIVATION OF THE VINE, &c.

The House then resolved itself into a Committee of the Whole on sundry bills referred to the same Committee; among which was the bill from the Senate, for disposing of a tract of land, to embrace four townships, on favorable terms to the emigrants, to enable them successfully to introduce the cultivation of the vine and olive, &c.

A motion was made by Mr. Hall, of Georgia, to strike out the first section of the bill. This motion gave rise to a debate, in which the object of the bill was supported by Messrs. Harrison, Smith, of Maryland, Clay, Robertson, Calhoun, Forsyth, and others, and opposed by Messrs. Hall, King, and others.

The arguments against the bill were grounded on the idea of its affording an opening for speculation on the public lands, and of its injudiciously disposing of property of the United States, which might be otherwise more advantageously disposed of. In favor of the bill, were urged the general principles of hospitality, the advantages of the particular culture proposed to be introduced, and, further, the advantages which would accrue to the United States from the introduction of so much industry and such improvement into the midst of its public lands, by which the value of the land would be greatly enhanced, &c.

The motion to strike out the first section was negatived by a large majority.

After some amendments to the bill, on which there was considerable debate, the bill was reported to the House, and ordered to be read a third time to-morrow.

The bill locating lands to Indian Chiefs and Indian Warriors; the bill allowing further time for entering donation rights to land in the District of Detroit; a bill for the relief of Joseph Summers and John Allen; a bill to continue in force an act "relating to settlers on the several lands of the United States," were severally ordered to be engrossed for a third reading.

Friday, February 28.

Mr. Cady, presented a petition of the Society for the promotion of American Manufactures in the county of Oneida and State of New York, praying that further measures may be adopted for the encouragement and protection of American manufactures; which was ordered to lie on the table.

Mr. Hulbert presented a petition of the inhabitants of Berkshire county, in Massachusetts, praying that a general system may be established for the encouragement and protection of the agricultural, commercial, and manufacturing interests of the country; which was referred to the Committee of the Whole on the bill to establish a National Board of Agriculture.

The Committee of Ways and Means were discharged from the further consideration of the several subjects referred to them at the present session, upon which they have not reported.

Mr. Thomas, from the Committee on Indian Affairs, reported the bill from the Senate entitled, "An act to provide for the punishment of crimes and offences committed within the Indian boundaries," without amendment, and the bill was ordered to be read a third time to-day.

Mr. Yancey, from the Committee of Claims, to which was referred the amendments proposed by the Senate to the bill, entitled "An act to amend the act 'authorizing the payment for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes,' passed the 9th of April 1816," reported their agreement to the same with an amendment; and the bill and amendments were ordered to lie on the table.

The Speaker laid before the House a letter from the Secretary of the Treasury, transmitting two statements of goods, wares, and merchandise, imported in American and foreign vessels, and an aggregate view of both from the 1st October, 1814, to the 30th September, 1815; which were ordered to lie on the table.

On motion of Mr. Ingham, the Secretary of the Treasury was directed to report to Congress, at the next session, such measures as may be necessary for the more effectual execution of the laws for the collection of the duties on imported goods, wares, and merchandise.

On motion of Mr. Bradbury, the Committee of Ways and Means were instructed to report a bill continuing the tonnage duty imposed on all

foreign ships or vessels which shall be entered in the United States, from any foreign port or place to and with which vessels of the United States are not ordinarily permitted to go and trade, at the same rate, *after the 30th day of June*, as is imposed on such ships or vessels entering *prior* to that time, by the second section of an act, passed during the present session of Congress, entitled "An act supplementary to an act to regulate the duties on imports and tonnage."

On motion of Mr. NEWTON,

Resolved, That the Secretary of the Treasury be, and he is hereby, required to report to the House of Representatives, at the next session of Congress, whether any, and, if any, what alterations or modifications are required to be made in the several acts fixing the emoluments of collectors of customs, naval officers, and surveyors.

Mr. HARRISON submitted the following proposition of amendment to the Constitution of the United States:

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, two-thirds of both Houses concurring therein, That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States, which, when ratified by the Legislatures of three-fourths of said States, shall be valid, to all intents and purposes, as a part of the said Constitution:

Congress shall, concurrently with the States, have power to provide for training the militia according to the discipline prescribed for that purpose, and whilst engaged in that service, they shall be subject to the rules and regulations prescribed for the government of the militia when in the military service of the United States, and also to provide for teaching, in the primary schools and other seminaries of learning in the several States, the system of discipline prescribed for the militia.

The said proposition was read and ordered to lie on the table.

Mr. WARD, of New York, submitted the following resolution:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to employ John Trumbull, of Connecticut, to compose and execute, in addition to the four paintings which he is already authorized to employ the said Trumbull to compose and execute, commemorative of the most important events of the American Revolution, a painting, the design of which shall be to commemorate the patriotic conduct of Paulding, Williams, and Van Wart, in capturing Major Andre, the British spy, during the American Revolution. This painting, when finished, to be placed in the Capitol of the United States.

The said resolution was read and ordered to lie on the table.

Mr. LOWNDES, from the Committee of Ways and Means, reported a bill to continue in force the second section of the act entitled "An act, supplementary to an act, to regulate the duties on imports and tonnage;" which was read twice, and committed to the Committee of the Whole on the bill to provide for furnishing the house of the President of the United States.

The bill to amend and explain the act for designating, surveying, and granting military bounty lands, passed the 6th May, 1812, was taken up as in Committee of the Whole, but afterwards indefinitely postponed.

The House then resolved itself into a Committee of the Whole on sundry bills referred to the same Committee, which were successively taken up.

Among the other bills before the Committee, was the bill to take away from the pursers and midshipmen in the service of the United States, the half pay now allowed them when not actually employed.

A motion was made to amend the bill by inserting the word "surgeons" after "midshipmen."

Mr. SMITH, of Maryland, remonstrated most earnestly against the whole of this bill, as tending greatly to the prejudice of the public service, and as proposing, in effect, to turn adrift a great number of youths now in the service, whose continuance was essential to the maintenance of the Navy.

After some conversation respecting proposed modifications of the bill, suggested by Mr. ATHERTON principally, the bill was, on motion of Mr. LOWNDES, ordered to lie on the table.

The bill to transfer the duties of Commissioner of Loans to the Bank of the United States, and to abolish the office of Commissioner of Loans, next passed under review, and was amended.

The Committee then took up the bill which proposes to abolish the present command of the marine corps, and to place the same under the command of a major.

Mr. PLEASANTS, after assigning his reasons therefor, moved to strike out the whole bill, after the enacting clause, and inserting in lieu thereof a provision fixing definitely the peace establishment of the marine corps, to consist, from and after the first of April next, of a lieutenant colonel commandant, nine captains, a proportionate number of lieutenants and non-commissioned officers, and seven hundred and fifty privates; the supernumerary officers and soldiers to be discharged from service, with three months' additional pay, as soon as practicable after the first day of April next.

Mr. TAYLOR, of New York, moved to amend the amendment, by striking out the words "lieutenant colonel," and in lieu thereof inserting the word "major."

This motion was supported by the mover, and opposed by Messrs. HARRISON, HUGER, SMITH of Maryland, and PLEASANTS, and was eventually negatived, ayes 40.

The main amendment proposed by Mr. PLEASANTS was then agreed to.

The bill fixing the salary of the reporter of the decisions of the Supreme Court then came up. The bill was amended, on motion of Mr. HOPKINSON, by inserting a clause limiting the duration of the bill to three years, and then passed on.

The bill appropriating a sum of money for pro-

curing household furniture for the Presidential residence, next came up, and the blank was filled with twenty thousand dollars.

The bill making further appropriations for completing the public buildings in the City of Washington, and for completing the enclosure of the Capitol square followed next. The blank for the first object was filled with one hundred thousand dollars, and that for the latter, with thirty thousand some odd hundred dollars.

Several other bills, noticed below, were also under consideration in Committee.

The Committee rose and reported the several bills they had acted on, by the following titles, viz: A bill to regulate and fix the compensation of clerks and messengers; the bill transferring the duties of Commissioners of Loans to the Bank of the United States, and abolishing the office of Commissioner of Loans; the bill to provide for furnishing the house of the President; the bill respecting the District Court of the United States in the northern district of New York; the bill repealing the act passed the 22d day of April, 1800, and fixing the command of the marine corps; the bill making further provision for repairing the public buildings and improving the public square; the bill from the Senate "to provide for reports of the decisions of the Supreme Court;" the bill from the Senate "to appoint additional pension agents;" the bill from the Senate "authorizing a subscription for the printing of the tenth volume of public documents;" and the bill to continue in force the second section of the act entitled "an act supplementary to the act to regulate the duties on imports and tonnage."

These bills were severally ordered to be read a third time to-morrow, except the first named, which was laid on the table, but will be resumed to-morrow.

A message from the Senate informed the House that the Senate have passed the bill entitled, "An act to set apart and pledge, as a permanent fund for internal improvement, the bonus of the National Bank, and the United States' share of its dividends, with amendments, in which they request the concurrence of this House.

Another message from the Senate informed the House that the Senate have passed a bill entitled, "An act to authorize the State of Tennessee to issue grants and perfect titles on certain entries and locations of lands therein described;" and the bill from this House, entitled, "An act making appropriations for the support of Government for the year 1817," with amendments, in which bill and amendments they ask the concurrence of this House.

An engrossed bill, in addition to an act, entitled, "An act for the relief of John Thompson," was read the third time; and, on motion of Mr. Root, postponed indefinitely.

Engrossed bills of the following titles, to wit: An act making provision for the location of the lands reserved by the first article of the treaty of the 9th of August, 1814, between the United States and the Creek nation, to certain chiefs and warriors of that nation, and for other purposes; an act for the relief of the widow and children of Abraham Owen; an act for the relief of Thomas and John Clifford, Elisha Fisher & Co., and Thomas Clifford & Son; an act for the relief of Joseph Summers and John Allen; an act to continue in force an act, entitled, "An act relating to settlers on lands of the United States;" an act allowing further time for entering donation rights to lands in the district of Detroit; were severally read a third time and passed.

Bills from the Senate of the following titles, to wit: An act to set apart and dispose of certain public lands for the encouragement of the cultivation of the vine and olive, with amendments; an act to provide for the prompt settlement of public accounts, with amendments; an act for the relief of the legal representatives of Francis Cazeau, late merchant at Montreal; an act directing the discharge of William Smith from imprisonment; and an act to provide for the punishment of crimes and offences committed within the Indian boundaries; were severally read the third time and passed.

The bill from the Senate, entitled, "An act to divide the State of Pennsylvania into two judicial districts," was read a third time, and ordered to lie on the table.

The bill from the Senate, entitled, "An act to authorize the State of Tennessee to issue grants and perfect titles on certain entries and locations of lands therein described," was read twice and committed to the Committee of the Whole, on the bill of this House, supplementary to an act, entitled, An act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant an unappropriated lands within the same.

The amendments proposed by Senate to the bill, entitled, "An act making appropriations for the support of Government for the year 1817," were read, and ordered to lie on the table.

Saturday, March 1.

Mr. Root, from the Committee on the Expenditures in the War Department, made a report concerning a contract entered into with said Department by Elias Earle for the supply of arms; which was read, and ordered to lie on the table.

The Committee on the Public Lands, the Committee on the Post Office and Post Roads, and the Committee on Roads and Canals, were discharged from the further consideration of the several matters referred to them at the present session, and upon which they have not reported.

The amendments of the Senate to the general appropriation bill were agreed to.

The bill "to provide for the due execution of the laws of the United States within the State of Indiana," passed through a Committee of the Whole, and was ordered to a third reading to, day; and was read a third time and passed.

The bill from the Senate, to provide for reports of the decisions of the Supreme Court, was read a third time and passed.

The bill to provide for furnishing the house of the President of the United States; the bill transferring the duties of Commissioner of Loans to the Bank of the United States, and abolishing the office of Commissioner of Loans; the bill to continue in force the second section of the act supplementary to an act to regulate the duties on imports and tonnage; the bill making further provision for repairing the public buildings and improving the public square; the bill respecting the district court of the United States in the northern district of New York; and the bill repealing the act passed on the 22d of April, 1800, and fixing the command of the marine corps; all which bills originated in this house, were severally read the third time and passed.

The bill from the Senate, to appoint additional pension agents; the bill authorizing a subscription for the printing of the tenth volume of the public documents, were each read a third time, and ordered to lie on the table.

A message from the Senate informed the House that they concur in the amendments proposed by this House to the bill, entitled "An act to provide for the prompt settlement of public accounts," with an amendment. And they have passed a bill, entitled "An act to incorporate the subscribers to certain banks in the District of Columbia, and to prevent the circulation of the notes of unchartered associations within the said District;" in which amendment and bill they ask the concurrence of this House.

SABBATH MAILS.

Mr. MILLS, from the committee to which was referred the several petitions from inhabitants of different parts of the United States, praying that the mails may not be transported or opened on Sundays, made a detailed report; which was ordered to lie on the table.

The report is as follows:

The committee to whom was referred sundry petitions from different parts of the United States, praying Congress would prohibit by law the transportation and opening of the mail on the Sabbath, ask leave to report—

That they have devoted that attention to the said petitions which the importance of the subject, and the motives which actuated so respectable a portion of their fellow-citizens, seemed to require.

To enable them to decide with more correctness, the committee addressed a note to the Postmaster General, requesting of him information upon the following points, viz:

1. What instructions, if any, have been given by your department to the deputy postmasters of the United States, in regard to the arrival and departure, opening and distribution, of the mail on the Sabbath.

2. Is the mail now transported on the Sabbath over any route where it is not transported every day in the week? If so, please to state over what route, and for what reasons it is thus transported.

3. Would the prohibition of the transportation and opening the mail on the Sabbath essentially impede the arrangements of your department, or injure the public interest?

To these inquiries the Postmaster General returned the following answer, which the committee make a part of their report:

GENERAL POST OFFICE, *Feb.* 20, 1815.

To the honorable the committee to whom were referred sundry petitions from different parts of the United States, praying that Congress would prohibit by law the transportation and opening of the mail on the Sabbath day.

The first point of your inquiry is, "What instructions, if any, have been given by your department to the postmasters of the United States, in regard to the arrival and departure of the mails at their respective offices on the Sabbath?"

To which I observe, that the ninth section of the "act regulating the Post Office Establishment," directs, that postmasters shall attend every day on which a mail shall arrive at their offices, and at all reasonable hours on every day in the week.

To regulate the operations of postmasters under the above quoted section, and to prevent intrusion on the Sabbath, the following instructions were prescribed:

"At post offices where the mails arrive on Sunday, the office is to be kept open for the delivery of letters, &c., for one hour after the arrival and assorting of the mail; but in case that would interfere with the hours of public worship, then the office is to be kept open for one hour after the usual time of dissolving the meetings, for that purpose."

I will further state, that when a mail is conveyed on the Sabbath, it is to be opened and exchanged at those offices which it may reach in the course of the day. This operation (at the smaller offices) occupies not more than ten or twelve minutes; in some of the larger offices it occupies one hour; and, it is believed, does not considerably interfere with religious exercises, as relating to the postmasters themselves.

Another instruction prescribes, "that if a mail arrives at an office too late for the delivery of letters on Saturday night, the postmaster shall deliver them on Sunday morning at an early hour, as shall not entrench upon the hours devoted to public religious services."

No complaint has reached this department against postmasters for non-observance of those instructions; which, if not strictly adhered to, must be imputable to the urgency of applications or the complaisance of postmasters.

The usage of transporting the mail on the Sabbath, is coeval with the Government under the present Constitution of the United States, though the practice of delivering letters on the Sabbath is of more recent origin, and commenced in 1810, by virtue of the aforesaid ninth section, and the above recited instructions emanating therefrom.

The second point of inquiry is, whether, "is the mail transported on the Sabbath along any route where it is not transported every day in the week; if so, where are those routes, and for what reasons is it thus transported?"

To which it is replied, that in forming arrangements, and fixing times for the arrivals and departures of the mails on the lesser and cross routes, care is taken to avoid the transport of the mail on the Sabbath, except where the omission to transport on that day would break chains of communications, producing great delays to public and private intercourse; and it is the mutual desire of the contractor and the department to avoid running the mail on the Sabbath.

The third point of your inquiry is, "would the prohibition of the transportation and opening the mail on the Sabbath essentially impede the arrangements of your department, or injure the interests of the public?"

As precursory to my reply to the third point, it is to be considered that the mail now passes every day in the week, from Portsmouth, New Hampshire, to Savannah, in Georgia, without resting on the Sabbath; and the same practice prevails on the two great routes from Washington City to Ohio, Kentucky, Illinois Territory, and Missouri Territory; from this city to Tennessee, Mississippi, Kentucky, to New Orleans; from Charleston to Tennessee and Kentucky, and on several great chains of communication. If the mails were not to move on the Sabbath, on the first mentioned routes, it would be delayed from three to four days in passing from one end of the route to the other; from Washington City to New Orleans, three days; from Boston to New Orleans, four and five days; and generally the mail on the great routes, would, on an average, be detained one-seventh part of the time now employed.

The following will serve as an example of delay to the weekly mails carried on horseback. The mail is carried from Baltimore to Washington City in a stage; and thence to the mouth of the Potomac on horseback. By travelling one Sunday, there is half a day allowed in Baltimore for answering letters; but if the horse mail did not travel on Sunday, an answer to letters would be delayed a whole week.

The compensation for carrying the mail in stages is but a partial benefit to contractors; the principal one arises from the transport of passengers. If the stages which carry the mail cannot proceed on the Sabbath, passengers will not enter those stages; of course the stage proprietors, who offer for the carriage of the mail, will rise in their demands according to the deduction of receipts which shall be occasioned by loss of passengers; for those rival stages which run every day, will be resorted to; even foreign agents would outspeed the Government, and obtain advantages beyond its own establishments of communication. Added to this enhanced expense of transport, would be the loss of postage that would occur from a practice, which would inevitably follow, of sending letters by passengers in those stages which run daily. This practice, of sending by passengers, prevailed in a considerable degree during the existence of the law which added fifty per centum on former postages.

A prohibition to transport the mail on the Sabbath would disorder the whole system of transportation on more than seven hundred routes.

The population of the United States is widely extended; the greater the territorial extent of any Government, the greater must be the necessity for celerity and frequency of its intercourse.

If it be considered necessary that Governmental despatches be transmitted on the Sabbath, it may then be observed, that as far as such transmission is beneficial to the nation, by preserving or improving its condition, so far has it a tendency to the conservation and the protection of the great community, in the enjoyment of religious as well as civil liberty; and enabling it to enjoy, in safety and in quietude, the benefits diffused from a due observance of the Sabbath.

The contents of mails are not confined to public despatches, nor to subjects of private business or pleasure; the same mail which transports such, equally accelerates supplies to want—consolation to affliction—and to piety, evangelical correspondence; and thus performing works of charity, it may be considered as doing good on the Sabbath day.

I am, respectfully, your obedient servant,

R. J. MEIGS, Jun.

In addition to the foregoing letter, the committee beg leave to observe that they cordially agree with the petitioners in the importance of a religious observance of the Christian Sabbath—an institution calculated to afford an opportunity for relaxation from labor and worldly cares; for reflection upon serious and moral subjects; for devout adoration of the Creator and Governor of the world; for acts of charity and benevolence; and for the exercise and improvement of all those virtues which adorn the nature and contribute to the happiness of man. To the State governments, however, and not to the Government of the United States, belongs the power, as far as the rights of conscience, and the provisions of their respective constitutions will permit, of establishing and supporting such institutions as are calculated to enlighten the understanding and correct the heart, by inculcating and diffusing among the people the great principles of piety, religion, and morality, and of passing and enforcing laws to prevent the profanation of the Sabbath.

The power "to establish post offices and post roads" is, by the Constitution of the United States, exclusively vested in Congress; and the transportation and distribution of the mail, at such times and under such circumstances as the public interest may require, is necessarily incident to that power.

In regulating an establishment of so much importance to the country, Congress have, by law, enjoined it upon the Postmaster General "to provide for the carriage of the mail on all post roads that are or may be established by law; and as often as he, having regard to the productiveness thereof and other circumstances, shall think proper." In pursuance of this authority, it has been the invariable practice of that department, ever since the establishment of the General Government, to provide for the transportation of the mail upon every day of the week, along the great and important routes through and across the country. If in the early period of our political existence such an arrangement was found necessary, the great increase of wealth, population, and territory which have since taken place, in the opinion of the committee, demand its continuance.

In a country so extensive, and whose citizens are united by so many ties of friendship and consanguinity, as well as of business and policy, the convenience of the people and the exigencies of Government alike require that every reasonable facility should be furnished for the intercourse and communication of its different parts.

Under such circumstances, the petitioners themselves must admit that travelling upon the Sabbath is not only excusable, but an act of duty. And the committee cannot doubt that, along the chain of communication from one extremity of the Union to the other, through places of great wealth and business, and a dense population, the facility of communication furnished by the mail prevents, in numerous instances, the doing of that which, without such facility, would be a "work of necessity or charity."

Many of the evils stated by the petitioners are not necessarily incident to the practice of which they complain. The transportation of the mail upon the Sabbath, by the agent of the Government, furnishes no justification to the traveller who unnecessarily fixes upon that day to perform his journey in the public stage, nor does the delivery of letters at the respective, post offices justify the assemblage of a concourse of people at such offices on that day. These evils if

they exist, it is perfectly within the power of the several State governments to correct.

But as the practice of travelling on the Sabbath is tolerated by the State governments in at least three-fourths of the Union, the prohibition of the transportation of the mail on that day, would have no other effect than to transfer to private hands that communication from place to place which is now performed by the Government; stage coaches and expresses would supply the place of the mail; if, for example, the mail should not pass on the Sabbath between New York and Philadelphia, or between Philadelphia and Baltimore, there being no laws to prohibit any other communication between those places on that day, the citizens of those large commercial cities would still maintain their daily intercourse with each other, by such private conveyance as they could employ. This would put upon the road, as agents, expresses, and private contractors, many more persons and carriages than are now employed in the transportation of the mail. Until, therefore, the prohibition of travelling on the Sabbath, by the several State governments, shall have become in some degree general, a law to stop the mail on that day would rather increase than diminish the evil of which the petitioners complain.

In the opinion which the committee have formed upon this subject, they have not been influenced by any considerations of economy in the transportation of the mail, though that is alluded to in the letter of the Postmaster General, but by a sincere belief that in the present situation of the State laws, and under proper regulations, the practice is as consistent with the requirements of the moral law, as it is with a sound and enlightened policy.

But although the committee believe it necessary to continue the transportation of the mail, they do not perceive that the same necessity exists for the delivery of letters at the respective post offices on the Sabbath. They therefore report the following resolutions:

Resolved, That it is inexpedient, at this time, to pass any law respecting the transportation of the mail.

Resolved, That provision be made, by law, to prohibit the delivery of letters at the respective post offices of the United States on the Sabbath.

CLAIMS' LAW.

The House took up the amendments of the Senate to the bill sent from this House, to amend the claims' law of last session; which amendments go to change altogether the character of the bill.

The amendments recommended by the Committee of Claims were rejected by the House.

A motion was made by Mr. JOHNSON of Kentucky to amend the Senate's amendments by inserting in lieu of them the bill (discussed in this House the other day, but laid on the table and not since taken up) for the relief of the sufferers on the Niagara frontier.

The amendments are as follows:

"*And be it further enacted*, That the sum of two hundred and fifty thousand dollars be, and the same is hereby, appropriated to remunerate the inhabitants of the Niagara frontier, in the State of New York, for property destroyed by the enemy during the invasion of that frontier between the eighteenth day of December, eighteen hundred and thirteen, and the second day of January, eighteen hundred and fourteen, both inclusive.

"*And be it further enacted*, That no person shall be entitled to the benefits of the appropriation in the preceding section who was not either an inhabitant of the said Niagara frontier at the time of the declaration of the late war between the United States and Great Britain, or the actual owner and proprietor of some house or building destroyed by the enemy during the invasion aforesaid, or an inhabitant of the said frontier who had removed there since the war, with a view to make a fixed and permanent settlement there.

"*And be it further enacted*, That no person who shall have received any moneys from the Treasury of the United States, for property destroyed during the invasion aforesaid, in virtue of the ninth section of the act hereby amended, shall be entitled to relief under this act for any other or further losses, unless he shall, within five days after the first public meeting of the Commissioners hereinafter mentioned, pay into the hands of said Commissioners the whole of the sum or sums received by him as aforesaid; and in case of his so refunding, he shall enjoy in relation to the whole of his losses all the right and benefit of the present law, in the same manner as if he had not presented his claim under the said law of the ninth of April last; and any sum or sums which may come into the hands of the said Commissioners, in compliance with the provisions of this section, shall be by them paid into the Treasury of the United States, and shall form an additional fund to the said two hundred and fifty thousand dollars, and is hereby appropriated to the same object.

"*And be it further enacted*, That it shall be the duty of the Secretary of War, as soon as conveniently may be after the passing of this act, to appoint three Commissioners, who shall immediately proceed to the Niagara frontier and examine and ascertain, by the best evidence that the nature of the case will admit of, the value of the several buildings destroyed by the enemy during the invasion aforesaid, and also the value of all other property destroyed in the said buildings, and belonging to such persons as are entitled to relief by the provisions of this act; and shall also ascertain, either by the oath of the respective claimants, or such other evidence as may be satisfactory to them, the amount which the said claimants may have respectively received of a certain donation of fifty thousand dollars granted by the Legislature of the State of New York, in the year eighteen hundred and fourteen, to the sufferers on the Niagara frontier; and, after completing the said examination, the said Commissioners shall forthwith report to the Secretary of War the names of the sufferers entitled to the benefits of this act and the amount of their respective losses.

"*And be it further enacted*, That it shall be the further duty of the Secretary of War, on the receipt of the aforesaid report, to cause the moneys appropriated by this act to be divided and paid on their respective applications to the several persons intended to be relieved by this act, in proportion to the amount of their losses respectively sustained by them and reported by the Commissioners, after deducting from the amount of such losses the sums which the claimants have respectively received of the said donation from the State of New York: *Provided, however*, That nothing in this act contained shall authorize the payment to any person of a greater sum than the amount of his losses as reported by the Commissioners.

"*And be it further enacted*, That no person shall be entitled to receive any payment or compensation

under the act hereby amended, for any losses, for which provision is made either wholly, or in part, by this act.

"*And be it further enacted,* That in case of the decease of any person, who, if living, would be entitled to the benefits of this act, the sum awarded by the Secretary of War, shall be paid to his legal representatives.

"*And be it further enacted,* That the Commissioners to be appointed in pursuance of this act, shall, before they enter upon their duties, take and subscribe an oath to perform those duties faithfully and honestly; and they shall have power to administer oaths to the witnesses offered for examination before them; and for their services they shall be allowed at the rate of four dollars per day for the time they shall be actually employed, to be paid out of any moneys in the Treasury not otherwise appropriated."

A motion was then made by Mr. Cannon to lay the bill on the table; which motion was disagreed to by the House.

The question was then taken on the amendment proposed by Mr. Johnson, and determined in the negative.

Mr. Clark, of New York, then moved further to amend the said amendments by inserting the following section:

"*And be it further enacted,* That the Commissioner be, and he is hereby, directed to award indemnification to such persons who have sustained damage or loss by the destruction of their houses or buildings by the enemy on the Niagara frontier, between the eighth day of December, eighteen hundred and thirteen, and the third day of January, eighteen hundred and fourteen: *Provided,* It shall be proved that the houses so destroyed, and for which indemnification is claimed, were in the military occupation of the United States as barracks or storehouses at the time of such destruction, and destroyed in consequence thereof: *And provided also,* That no decision made by the said Commissioner, under this section, shall entitle the claimant or claimants to indemnification, unless such decision shall first receive the approbation and sanction of the Secretary of War."

And the question being taken on inserting the said section, it was determined in the negative.

Another motion was then made by Mr. Clark, of New York, further to amend the said amendments by striking out the first section thereof, and inserting the following in lieu thereof:

"That all decisions made by the Commissioner, under the act to which this is an amendment, shall be revised and approved by the Secretary of War, before payment shall be made thereon."

And the question being taken thereon, it was also determined in the negative.

The said amendments of the Senate were then concurred in by the House as amended.

INTERNAL IMPROVEMENT.

The amendments proposed by the Senate to the bill, entitled "An act to set apart and pledge, as a permanent fund for internal improvement, the bonus of the National Bank, and the United States' share of its dividends," were read; when a motion was made by Mr. H. Nelson, that the said bill be postponed indefinitely; and, the question being taken thereon, it was determined in the negative—yeas 61, nays 63, as follows:

Yeas—Messrs. Adams, Atherton, Barbour, Bassett, Baylies, Bennett, Blount, Boss, Bradbury, Burwell, Cannon, Carr of Massachusetts, Clarke of North Carolina, Clayton, Cook, Davenport, Desha, Edwards, Fletcher, Forney, Goodwyn, Hale, Hawes, Hungerford, Jewett, Johnson of Virginia, King, Langdon, Law, Lyon, William Maclay, Marsh, Mason, McCoy, McLean, Mills, Hugh Nelson, Thomas M. Nelson, Noyes, Parris, Piper, Pleasants, Reed, Rice, Roane, Robertson, Root, Ruggles, Smith of Maryland, Southard, Stearns, Strong, Sturges, Taggart, Tallmadge, Vose, Ward of New York, Ward of New Jersey, Wheaton, Wilcox, and Williams.

Nays—Messrs. Alexander, Betts, Birdseye, Cady, Calhoun, Clark of New York, Clendennin, Comstock, Conner, Creighton, Culpeper, Dickens, Findley, Gaston, Gold, Goldsborough, Griffin, Hahn, Hammond, Harrison, Henderson, Herbert, Hopkinson, Huger, Ingham, Jackson, Johnson of Kentucky, Kent, Kerr of Virginia, Lewis, Little, Love, Lovett, Lumpkin, Lyle, William P. Maclay, Milnor, Moffitt, Jer. Nelson, Newton, Ormsby, Peter, Pickering, Ross, Savage, Schenck, Sharp, Sheffey, Smith of Pennsylvania, Smith of Virginia, Taylor of New York, Taylor of South Carolina, Wallace, Webster, Wendover, Wilde, Wilkin, Willoughby, Thomas Wilson, William Wilson, Woodward, Yancey, and Yates.

A motion was then made by Mr. Smith, of Maryland, to postpone the said bill until the third day of March next; which motion was opposed by Messrs. Calhoun, Jackson, Harrison, and Wilson, and supported by Messrs. Nelson, Johnson, and King.

And, the question being taken thereon, it was determined in the negative—yeas 66, nays 68, as follows:

Yeas—Messrs. Adams, Atherton, Barbour, Bassett, Baylies, Bennett, Blount, Boss, Bradbury, Brown, Bryan, Burwell, Cannon, Carr of Massachusetts, Champion, Cilley, Clarke of North Carolina, Clayton, Cook, Crawford, Davenport, Desha, Edwards, Fletcher, Forney, Goodwyn, Hale, Hardin, Hawes, Hooks, Hungerford, Jewett, Johnson of Virginia, King, Langdon, Lyon, William Maclay, Marsh, Mason, McCoy, McLean, Mills, Hugh Nelson, Thos. M. Nelson, Noyes, Parris, Piper, Pleasants, Reed, Rice, Roane, Root, Ruggles, Smith of Md., Southard, Stearns, Strong, Sturges, Taggart, Tallmadge, Vose, Ward of New York, Ward of New Jersey, Wheaton, Wilcox, and Williams.

Nays—Messrs. Alexander, Betts, Birdseye, Cady, Caldwell, Calhoun, Clendennin, Comstock, Conner, Creighton, Culpeper, Dickens, Findley, Gaston, Gold, Goldsborough, Griffin, Hahn, Hammond, Harrison, Henderson, Hendricks, Herbert, Hopkinson, Huger, Ingham, Jackson, Johnson of Kentucky, Kent, Kerr of Virginia, Lewis, Little, Love, Lovett, Lowndes, Lumpkin, Lyle, William P. Maclay, Middleton, Milnor, Moffitt, Jer. Nelson, Newton, Ormsby, Peter, Pickering, Ross, Savage, Schenck, Sharp, Sheffey, Smith of Virginia, Smith of Pennsylvania, Tate, Taylor of New York, Taylor of South Carolina, Telfair, Wallace, Webster, Wendover, Wilde, Wilkin, Willoughby, Thomas Wilson, William Wilson, Woodward, Yancey, and Yates.

The amendments of the Senate were then concurred in by the House.

EVENING SESSION.

The amendment proposed by the Senate to the amendments of this House to the bill from the Senate, entitled "An act to provide for the prompt settlement of public accounts," was read, and concurred in by the House.

A message from the Senate informed the House that the Senate concur in the amendments proposed by this House to the bill, entitled "An act to authorize the appointment of a surveyor of the lands in the northern part of the Mississippi Territory, and the sale of certain lands therein described," with amendments; in which they ask the concurrence of this House.

The said amendments were read, and concurred in by the House.

The bill "for the relief of Robert Burnside;" the bill, "supplementary to the act for the relief of persons imprisoned for debt;" the bill "for the relief of the Creek Indians;" the bill "authorizing the Secretary of the Treasury to cause repayment to be made of certain alien duties;" the bill "further to regulate the Territories of the United States, and their electing Delegates to Congress;" severally passed through a Committee of the Whole, and were ordered to be engrossed for a third reading.

The resolutions respecting the conduct of the Bank of the United States, in respect to their measures relating to the payment of the second instalment of the subscription to the bank, were, on motion of the author, Mr. FORSYTH, for the want of time to act on them, indefinitely postponed.

A motion was made to adjourn to to-morrow (Sunday) at 11 o'clock, and negatived—68 to 48, by yeas and nays.

The bill authorizing the Secretary of the Treasury to remit the duties therein mentioned; the bill for the relief of the widows and orphans of the officers, seamen, and marines, who were lost in the United States brig Epervier; the bill, supplementary to an act for the relief of persons imprisoned for debts due the United States; the bill authorizing the Secretary of the Treasury to cause repayment to be made of certain alien duties; a bill for the relief of Robert Burnside; the bill further to regulate the Territories of the United States, and their electing Delegates to Congress; the bill for the relief of certain Creek Indians; all which bills originated in this House, were severally read a third time, and passed.

The bill for the relief of John Darnall passed through a Committee of the Whole, and was then postponed indefinitely.

The bill for erecting a light-house on the west chop of Holmes' Hole harbor, in the State of Massachusetts, passed through a Committee of the Whole, and the bill was ordered to be engrossed for a third reading on Monday.

The bill making provision for the establishment of an additional land office in the Missouri Territory, and for the final adjustment of claims to town lots and village lots therein, passed through a Committee of the Whole, and was ordered to lie on the table.

The House spent some time in Committee of the Whole, on the bill making appropriations for the payment of certain claims for militia services due to the State of Georgia, (against the Indians twenty-five years ago,) but debate arising, and time to examine the bill being declared to be wanting, the Committee rose, and the bill was laid on the table.

The same fate, after like discussion, attended the bill from the Senate, supplementary to an act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same.

The bill for the relief of John Bate was taken up, amended, and ordered to lie on the table.

The bill from the Senate "to amend and explain an act giving pensions to the widows and orphans of persons slain in the public and private armed vessels of the United States," passed through a Committee of the Whole, and was ordered to be read a third time on Monday.

The bill respecting the compensation of certain collectors therein mentioned; the bill authorizing the payment of a sum of money to Teakle Savage, and others; the bill to regulate the trade in plaster of Paris; the bill authorizing the payment of a sum of money to Nathaniel Seavey, and others; the bill to alter and establish certain post roads; all which bills originated in this House, passed through Committees of the Whole, and were ordered to be engrossed, and read a third time on Monday.

The bill to incorporate sundry banks in this District, received from the Senate, was read a first and second time by its title.

Mr. CALHOUN moved that the bill should be laid on the table.

This motion was opposed by Messrs. JOHNSON, of Kentucky, LEWIS, and CULPEPER, and supported by Messrs. CALHOUN and WEBSTER, and was negatived—ayes 33.

The bill was, after some debate, referred, by the casting vote of the SPEAKER, to a Committee of the Whole.

The House again took up the bill from the Senate, entitled "An act authorizing a subscription for the printing of the tenth volume of public documents;" and, being again read, was passed by the House.

The House went into a Committee of the Whole, on the bill for the relief of Henry Lee; which was reported without amendment.

Mr. CONDICT moved to lay the bill on the table; which motion was disagreed to by the House, and the bill was ordered to be engrossed, and read a third time on Monday next.

The House went into a Committee of the Whole, on the bill authorizing the payment of a sum of money to the State of Georgia, under the articles of agreement and cession between the United States and that State. The bill was reported with amendments, which were read and concurred in by the House, and the bill was ordered to be engrossed and read a third time on Monday next.

The Committee of the whole House, to which is committed the bill from the Senate, entitled "An act to incorporate the subscribers to certain banks in the District of Columbia, and to prevent the circulation of the notes of unchartered associations within the said District," were discharged, and the bill was referred to Messrs. Lewis, Gaston, and Calhoun.

Monday, March 3.

Mr. Barbour, from the Committee on Public Expenditures, made a detailed report concerning their powers and duties, and the subjects of their inquiries during the present session; which was read and ordered to lie on the table.

A message from the Senate informed the House that the Senate have passed a resolution directing their Secretary to inform this House that the President elect of the United States will, on Tuesday next, at 12 o'clock, take the oath of office required by the Constitution, in the Chamber of the House of Representatives.

The resolution was ordered to lie on the table.

The following resolution was submitted by Mr. Wilde, which was read and ordered to lie on the table:

Resolved, That a committee be appointed on the part of this House, to join such committee as may be appointed on the part of the Senate, for the purpose of making arrangements relative to the time and manner of administering the oath of office to the President elect of the United States.

A message from the Senate informed the House that the Senate have passed bills from this House of the following titles, to wit:

An act transferring the duties of Commissioner of Loans to the Bank of the United States, and abolishing the office of Commissioner of Loans; an act making further provision for repairing the public buildings and improving the public square; an act to provide for the redemption of the public debt; an act making appropriations for the support of the Military Establishment of the United States for the year 1817; an act making additional appropriations to defray the expenses of the Army and Militia during the late war with Great Britain; an act respecting the assessment and collection of the direct tax; an act more effectually to preserve the neutral relations of the United States; and an act making appropriations for the support of the Navy of the United States, for the year 1817, with amendments.

They have also passed bills of the following titles, to wit:

An act to continue in force an act entitled "An act further to provide for the collection of duties on imports and tonnage," passed the 3d day of March, 1815, and for other purposes; an act making appropriations for carrying into effect certain Indian treaties, and for other purposes; an act to continue in force an act entitled "An act for establishing trading-houses with the Indian tribes;" an act to secure, in certain cases, the bounty in land to the heirs of deceased soldiers; an act to establish post roads; an act to amend an act for organizing the general staff, and making further provision for the Army of the United States; an act to amend the act entitled "An act to establish the judicial courts of the United States;" an act providing an additional compensation to the circuit judge of the sixth circuit of the United States; in which amendments and bills they ask the concurrence of this House.

Engrossed bills of the following titles, to wit: An act respecting the compensation of the collectors therein mentioned; an act authorizing the payment of a sum of money to Nathaniel Seavey and others; an act for erecting a light-house on the west chop of Holmes's Hole harbor, in the State of Massachusetts; an act authorizing the payment of a sum of money to Teakle Savage, and others; an act to alter and establish certain post roads; an act for the relief of Henry Lee; an act authorizing the payment of money to the State of Georgia, under the articles of agreement and cession between the United States and that State; were severally read a third time, and passed.

The Committee of the Whole, to which is committed the bill for the relief of Anthony Buck, were discharged from a further consideration of the same.

The House then proceeded to consider the said bill, when a motion was made by Mr. Root to lay it on the table; which motion was rejected by the House, and the bill was ordered to be engrossed, and read a third time to-day.

The bill from the Senate, entitled "An act to amend and explain an act giving pensions to the widows and orphans of persons slain in the public or private armed vessels of the United States," was read a third time, and passed.

The amendments proposed by the Senate to the bill, entitled "An act transferring the duties of Commissioner of Loans to the Bank of the United States, and abolishing the office of Commissioner of Loans," were read, and concurred in by the House.

The amendments proposed by the Senate to the bill, entitled "An act respecting the assessment and collection of the direct tax," were read, and also concurred in.

The amendments proposed by the Senate to the bill, entitled "An act making appropriations for the support of the Navy of the United States for the year 1817," were read and committed to a Committee of the whole House to-day.

The amendments proposed by the Senate to the bill, entitled "An act making additional appropriations to defray the expenses of the Army and Militia during the late war with Great Britain," were read, and committed to the Committee of the whole House last mentioned.

The amendments proposed by the Senate to the bill, entitled "An act making appropriations for the support of the Military Establishment of the United States for the year 1817," were read, and committed to the Committee of the whole House last mentioned.

The bill from the Senate, entitled "An act

making appropriations for carrying into effect certain Indian treaties, and for other purposes," was read twice, and committed to the Committee of the whole House last mentioned.

The amendments proposed by the Senate to the bill, entitled "An act more effectually to preserve the neutral relations of the United States," were read, and referred to the Committee on Foreign Relations.

The amendments proposed by the Senate to the bill, entitled "An act to provide for the redemption of the public debt," were read, and disagreed to by the House.

The bill from the Senate, entitled, "An act to amend an act for organizing the general staff, and making further provision for the Army of the United States," was read twice, and referred to the Committee on Military Affairs.

The bill from the Senate, entitled, "An act providing an additional compensation to the circuit judge of the sixth circuit of the United States," was read, and ordered to lie on the table.

The bill from the Senate, entitled "An act to secure, in certain cases, the bounty in land to the heirs of deceased soldiers," was read twice, and referred to the Committee on Military Affairs.

The bill from the Senate, entitled "An act to amend the act, entitled 'An act to establish the judicial courts of the United States," was read twice, and ordered to lie on the table.

The bill from the Senate, entitled "An act to establish post roads," was read twice, and ordered to lie on the table.

The bill from the Senate, entitled "An act to continue in force an act, entitled 'An act further to provide for the collection of duties on imports and tonnage,' passed the 3d of March, 1815, and for other purposes," was read twice, and ordered to lie on the table.

The bill from the Senate, entitled "An act to continue in force an act, entitled 'An act for establishing trading-houses with the Indian tribes," was read twice, and ordered to be read a third time. The bill was accordingly read the third time, and passed.

An engrossed bill, entitled "An act to regulate the trade in plaster of Paris," was read the third time; and, being on its passage, a motion was made by Mr. LEWIS to lay it on the table; which motion was rejected by the House.

And the question was then taken—"Shall the bill pass?" and passed in the affirmative—yeas 80, nays 39, as follows:

YEAS—Messrs. Adams, Adgate, Alexander, Atherton, Baker, Barbour, Bassett, Betts, Birdseye, Blount, Boss, Bradbury, Brooks, Cady, Calhoun, Cannon, Carr of Massachusetts, Clark of New York, Clarke of North Carolina, Clayton, Clendennin, Comstock, Conner, Cooper, Culpeper, Davenport, Desha, Dickens, Fletcher, Forney, Forsyth, Gaston, Gold, Hale, Hammond, Hawes, Henderson, Huger, Hulbert, Ingham, Jackson, Jewett, Johnson of Kentucky, Kent, King, Lovett, Lowndes, Marsh, Mason, Middleton, Mills, Moseley, J. Nelson, Hugh Nelson, Newton, Noyes, Parris, Pickering, Pitkin, Pleasants, Reed, Reynolds, Roane, Ruggles, Schenck, Stearns, Strong, Sturges, Tallmadge, Taul, Taylor of New York, Ward of Massachusetts, Ward of New York, Webster, Wendover, Wilde, Williams, Thomas Wilson, Yancey, and Yates.

NAYS—Messrs. Archer, Baer, Bennett, Breckenridge, Champion, Edwards, Findley, Goldsborough, Hahn, Herbert, Hopkinson, Hungerford, Johnson of Virginia, Law, Lewis, Little, Love, Lyle, Lyon, Wm. Maclay, William P. Maclay, McCoy, Milnor, Peter, Piper, Randolph, Rice, Root, Ross, Savage, Sheffey, Taylor of South Carolina, Telfair, Vose, Wallace, Ward of New Jersey, Whiteside, Wilcox, Wilkin, and William Wilson.

On motion of Mr. MILLS, it was

Resolved, unanimously, That the thanks of this House be presented to the Hon. HENRY CLAY for the ability and impartiality with which he has presided over its deliberations, and the correctness with which he has performed the arduous and important duties of the chair.

A message from the Senate informed the House that the Senate have passed bills from this House of the following titles, to wit:

An act making provision for the location of the lands reserved by the first article of the treaty of the 9th of August, 1814, between the United States and the Creek Indians, to certain chiefs and warriors of that nation, and for other purposes;

An act to amend an act, entitled "An act making further provision for military services during the late war," and for other purposes;

An act concerning invalid pensioners;

An act for the relief of Mary Wells; and

An act to regulate the trade in plaster of Paris; with amendments. They have also passed bills of the following titles, to wit:

An act compensating Peter Hagner, and an act for the relief of the heirs of William B. Carter; as also a resolution respecting the contracts for printing for Congress; in which amendments, bills, and resolution, they ask the concurrence of this House.

DISTRICT BANKS.

Mr. LEWIS, from the committee to which was referred the bill from the Senate, entitled "An act to incorporate the subscribers to certain banks within the District of Columbia, and to prevent the circulation of the notes of unchartered associations within the said District," reported the same without amendment.

The House then proceeded to consider the bill, when Mr. WEBSTER moved to strike out the 28th section thereof; which motion was rejected by the House.

Another motion was then made by Mr. WEBSTER, to amend the said bill by striking out from the 7th line of the first section the words "thirty-six," so as to leave blank the year to which it is proposed to extend the charters of the said banks, which motion was also rejected by the House.

A motion was then made by Mr. INGHAM to add to the 30th section the following:

"And the several sums directed to be paid by the banking companies hereby incorporated to any company now incorporated, shall constitute a portion of

the stock of such companies; and the proceeds of the dividends of such stock shall be disposed of as Congress may hereafter direct for like purposes."

And the question was stated to agree to the amendment, when a member called for the reading of the bill; which being objected to, the SPEAKER declared that, at this stage of its progress, it was not competent for one member to demand the reading of the bill without an order of the House:—from which decision of the Speaker, Mr. BASSETT appealed to the House; and on the question—"Is the decision of the Speaker correct?" it passed in the affirmative.

Mr. INGHAM then moved that the bill be read; which motion was rejected by the House.

The question was then taken on the amendment moved by Mr. INGHAM, and was determined in the negative.

On motion of Mr. WEBSTER, the bill was then amended and recommitted to a select committee. And Messrs. LEWIS, GASTON, and TAYLOR, of New York, were appointed the committee, with leave to sit during the session of the House.

Mr. LEWIS, from the committee to which the said bill was recommitted, reported the same with amendments, which the House proceeded to consider, when Mr. RANDOLPH moved that the said bill be postponed indefinitely.

And the question being taken thereon, it was determined in the negative—yeas 50, nays 60, as follows:

YEAS—Messrs. Adams, Barbour, Bassett, Bennett, Birdseye, Boss, Bradbury, Brooks, Calhoun, Carr of Massachusetts, Clarke of North Carolina, Clayton, Condict, Desha, Edwards, Griffin, Hahn, Hale, Hall, Hammond, Hopkinson, Ingham, Johnson of Virginia, King, Langdon, Law, Little, Lowndes, Lyle, Wm. Maclay, Marsh, Mason, Noyes, Pickens, Piper, Randolph, Roane, Root, Ross, Savage, Taul, Telfair, Vose, Wallace, Ward of Massachusetts, Ward of New Jersey, Whiteside, Wilcox, Wm. Wilson and Yancey.

NAYS—Messrs. Adgate, Alexander, Archer, Atherton, Baer, Baker, Betts, Blount, Caldwell, Cannon, Chappell, Clark of New York, Clendennin, Comstock, Creighton, Davenport, Findley, Fletcher, Forney, Forsyth, Gaston, Gold, Goldsborough, Goodwyn, Hawes, Henderson, Herbert, Huger, Hulbert, Hungerford, Irving of New York, Jackson, Johnson of Kentucky, Kent, Lewis, Lovett, Lyon, William P. Maclay, McCoy, Milnor, Moseley, J. Nelson, Hugh Nelson, Newton, Parris, Peter, Pickering, Pitkin, Pleasants, Reynolds, Ruggles, Schenck, Stearns, Tallmadge, Taylor of New York, Wendover, Wilde, Wilkin, Thomas Wilson, and Yates.

The said amendments were then concurred in by the House; and the bill was further amended, and the amendments ordered to be engrossed and the bill read a third time to-day, which was subsequently done, and the bill passed.

VETO OF INTERNAL IMPROVEMENT BILL.

A Message was received from the President of the United States, by Mr. Todd, his Secretary, who, by command of the President, returned to the House the bill passed by the two Houses, entitled "An act to set apart and pledge certain funds for internal improvements," and presented to the President for his approbation and signature, this day, to which bill the President having made objections, the same were also delivered in by the said Secretary; who then withdrew.

The said objections were read, and are as follows:

To the House of Representatives of the United States:

Having considered the bill this day presented to me, entitled "An act to set apart and pledge certain funds for internal improvements," and which sets apart and pledges funds "for constructing roads and canals, and improving the navigation of water-courses in order to facilitate, promote, and give security to internal commerce among the several States, and to render more easy and less expensive the means and provisions for the common defence;" I am constrained, by the insuperable difficulty I feel in reconciling the bill with the Constitution of the United States, to return it with that objection, to the House of Representatives, in which it originated.

The legislative powers vested in Congress are specified and enumerated in the 8th section of the first article of the Constitution; and it does not appear that the power proposed to be exercised by the bill is among the enumerated powers; or that it falls, by any just interpretation, within the power to make laws necessary and proper for carrying into execution those or other powers vested by the Constitution in the Government of the United States.

"The power to regulate commerce among the several States," cannot include a power to construct roads and canals, and to improve the navigation of water-courses, in order to facilitate, promote, and secure such a commerce, without a latitude of construction departing from the ordinary import of the terms, strengthened by the known inconveniences which doubtless led to the grant of this remedial power to Congress.

To refer the power in question to the clause "to provide for the common defence and general welfare," would be contrary to the established and consistent rules of interpretation; as rendering the special and careful enumeration of powers, which follow the clause, nugatory and improper. Such a view of the Constitution would have the effect of giving to Congress a general power of legislation, instead of the defined and limited one hitherto understood to belong to them; the terms "common defence and general welfare" embracing every object and act within the purview of a legislative trust. It would have the effect of subjecting both the Constitution and laws of the several States, in all cases not specifically exempted, to be superseded by laws of Congress; it being expressly declared "that the Constitution of the United States, and laws made in pursuance thereof, shall be the supreme law of the land, and the judges of every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding." Such a view of the Constitution, finally, would have the effect of excluding the judicial authority of the United States from its participation in guarding the boundary between the legislative powers of the General and the State Governments; inasmuch as questions relating to the general welfare being questions of policy and expediency, are unsusceptible of judicial cognizance and decision.

A restriction of the power "to provide for the common defence and general welfare," to cases which are to be provided for by the expenditure of money, would

still leave within the legislative power of Congress all the great and most important measures of Government; money being the ordinary and necessary means of carrying them into execution.

If a general power to construct roads and canals, and to improve the navigation of water-courses, with the train of powers incident thereto, be not possessed by Congress, the assent of the States in the mode provided in the bill cannot confer the power. The only cases in which the consent and cession of particular States can extend the power of Congress, are those specified and provided for in the Constitution.

I am not unaware of the great importance of roads and canals, and the improved navigation of water-courses; and that a power in the National Legislature to provide for them might be exercised with signal advantage to the general prosperity. But seeing that such a power is not expressly given by the Constitution; and believing that it cannot be deduced from any part of it without an inadmissible latitude of construction, and a reliance on insufficient precedents; believing also that the permanent success of the Constitution depends on a definite partition of powers between the General and State Government, and that no adequate landmarks would be left by the constructive extension of the powers of Congress, as proposed in the bill, I have no option but to withhold my signature from it; and to cherishing the hope that its beneficial objects may be attained by a resort for the necessary powers, to the same wisdom and virtue in the nation which established the Constitution in its actual form, and providently marked out, in the instrument itself, a safe and practicable mode of improving it, as experience might suggest.

JAMES MADISON.

MARCH 3, 1817.

The House proceeded to the reconsideration of the said bill, which is in the following words:

An Act to set apart and pledge certain funds for internal improvement.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the sum to be paid to the United States by the twentieth section of the "act to incorporate the subscribers to the Bank of the United States," and the dividends which shall arise from their shares in its capital stock, during the present term of twenty years, for which the proprietors thereof have been incorporated, be, and the same are hereby, set apart and pledged as a fund for constructing roads and canals, and improving the navigation of water-courses, in order to facilitate, promote, and give security to internal commerce among the several States, and to render more easy and less expensive the means and provisions necessary for their common defence.

SEC. 2. *And be it further enacted*, That the moneys constituting the said fund shall, from time to time, be applied in constructing such roads or canals or in improving the navigation of such water-courses, or both, in each State, as Congress, with the assent of such State, shall by law direct, and in the manner most conducive to the general welfare; and the proportion of the said moneys to be expended on the objects aforesaid, in each State, shall be in the ratio of its representation, at the time of the apportionment hereinafter provided, in the most numerous branch of the National Legislature: *Provided*, That the proportion of said fund, to be assigned to any State, or any part thereof, may, by the assent of such State, be applied to the purposes aforesaid in any other State.

SEC. 3. *And be it further enacted*, That the said fund be put under the care of the Secretary of the Treasury for the time being; and that it shall be his duty to apportion and divide the said fund, as it annually accrues, among the several States now existing, and such as may hereafter be admitted into the Union, according to the then existing ratio of representation as before directed; and to invest the same, so apportioned and divided, in the funded debt of the United States in the names of the respective States; and the funded debt so set apart in the names of the respective States shall be applied to the aforesaid objects, under the concurrent direction of Congress, and the Legislature of the State interested; and he shall also lay before Congress, at their annual session, the condition of the said fund.

SEC. 4. *Be it further enacted*, That it shall also be the duty of the said Secretary, unless otherwise directed, to vest the sum to be paid to the United States, by the twentieth section of the act to incorporate the Bank of the United States, as it may fall due, in the stock of the United States; and also to lay before Congress, at their annual session, the condition of said fund.

Attest: H. CLAY,
Speaker of the House of Representatives.
JOHN GAILLARD,
President of the Senate pro tempore.

I certify that this act originated in the House of Representatives.

TH. DOUGHERTY,
Clerk of the House of Representatives.

The question was then taken in the mode prescribed in the Constitution of the United States, "that the House, on reconsideration, do agree to pass the said bill," the President's objections to the same to the contrary notwithstanding.

And determined in the negative—yeas 60, nays 56, as follows:

YEAS—Messrs. Clay, (Speaker,) Alexander, Archer, Betts, Birdseye, Breckenridge, Brooks, Cady, Calhoun, Chappell, Clendennin, Comstock, Conner, Creighton, Culpeper, Forsyth, Gaston, Griffin, Hahn, Hall, Harrison, Henderson, Herbert, Hopkinson, Huger, Hulbert, Ingham, Irving of New York, Johnson of Kentucky, Kent, Kerr of Virginia, Kilbourn, Little, Lovett, Lyle, Middleton, Milnor, Jeremiah Nelson, Ormsby, Peter, Pickering, Reynolds, Ross, Savage, Schenck, Sharp, Sheffey, Tate, Taylor of New York, Telfair, Wallace, Webster, Wendover, Whiteside, Wilde, Wilkin, Thos. Wilson, Wm. Wilson, Yancey, and Yates.

NAYS—Messrs. Adams, Atherton, Baer, Baker, Barbour, Bassett, Blount, Boss, Bradbury, Carr of Massachusetts, Clarke of North Carolina, Clayton, Davenport, Desha, Dickens, Edwards, Fletcher, Forney, Goldsborough, Goodwyn, Hale, Hawes, Hungerford, Irwin of Pennsylvania, Jewett, Johnson of Virginia, King, Law, Lowndes, Lyon, William Maclay, Marsh, Mason, McCoy, Mills, Hugh Nelson, Noyes, Parris, Pitkin, Pleasants, Reed, Root, Ruggles, Smith of Maryland, Southard, Stearns, Strong, Sturges, Tallmadge, Taul, Vose, Ward of Massachusetts, Ward of New York, Ward of New Jersey, Wilcox, and Williams.

And so the said bill was rejected.

[It will be observed that the Speaker, on this

occasion, differing from every other question before the House, claimed and exercised the right to vote. Two-thirds being required to decide the question affirmatively, the bill did not pass.]

NATIONAL UNIVERSITY.

Mr. Wilde moved to discharge the Committee of the Whole from the consideration of the bill for establishing a National University, and to postpone it indefinitely, prefacing his motion with the following remarks:

Mr. W. had seized, he said, the momentary interval of leisure they then possessed, for the purpose of submitting a motion, which as it was the last he should ever have the honor of making in that House, so it would be, as it regarded its subject, the only successful one he had ever made. At the commencement of the session he had the misfortune, for such he esteemed it, to be appointed the chairman of a select committee, to whom was referred a very small and a very unimportant portion of the President's Message; and as that appointment had made it his duty, contrary to his wishes, to trouble the House by the occasional renewal of a most ungrateful motion, on certain orders of the day, he had no doubt the House regretted the misfortune quite as much as he did. Since it had been their pleasure, for reasons no doubt satisfactory to themselves, but among which Constitutional scruples could hardly be reckoned as a part, constantly to decline considering the report of that committee whilst consideration was possible; he was not weak enough to suppose they would bestow a thought upon it now, when all further consideration had become useless. The Committee, it was true, had given the subject some portion of their time and attention, and he was sorry both had been so unprofitably employed. What had been painfully wasted in this labor of Sysiphus, if otherwise directed might have proved humbly useful. He said painfully, because hopelessly; he had long known that success was not even doubtful. The measure, if indeed it were a good one, had fallen upon evil times and into inauspicious hands.

He hoped he was not thought querulous in these remarks; he disclaimed most unequivocally all intention of being so. He knew it was the usual fortune of complaint to excite contempt more than pity, and he trusted he was not, that he did not wish to make himself the object of either.

You, sir, said he to the Speaker, can bear me witness, that if this subject has been thrust or dragged into the discussion of other topics, it was not *by me.* I did not so much as reply, when it was invoked, certainly not by the inspiration of Minerva, as an argument against the whiskey tax—he did not mean to say it was by any other inspiration, least of all, that of the giver of the vine, whom Horace styled a modest and a candid god; he would not do injustice even to a heathen deity; and the ancient mythology furnished no allusion to that process which converted man's food into his poison, unless indeed it was the crime by which the daughter of Ceres became the wife of Pluto and the queen of those dominions which he should not designate. He had seen no necessity to say a word, when this bill had been introduced into the discussion of other measures, (and into the discussion of what measure of domestic policy had it *not* been introduced?) because he could always say what he thought his duty required, by speaking upon every question, on which he did speak at all, if not to the purpose at least to the point.

He now moved that the Committee of the Whole be discharged from the consideration, not the further consideration, of the bill for establishing a National University, and that the bill itself be *indefinitely postponed.*

This motion was made in perfect good humor, and in most perfect good faith; by no means with any intention of voting for one-half of it and against the other. He was under a very strong conviction that it would succeed. Certainly it ought. The measure had long been more than *civiliter mortuus.* He feared it had even become offensive to the economical sensibilities of the House. It was therefore, high time it should be interred—not with obituary honors, of which it was in no wise worthy—but with the bare common decencies of Christian burial. May it rest in peace. Let no one disturb its ashes. He did not mean to speak its funeral oration, and for a *hic jacet*, the message they had just received would do as well as any other. Future politicians might read it, and, reading might, moralize on the uncertainty of all things—not excepting Executive recommendations. One good, he trusted would result, if not to them, at all events to their successors, from meditating among the tombs of National Education and Internal Improvement. They would learn in what *not* to put their trust. They would listen, a little less seriously, to those noble and captivating projects which others heretofore have had the merit of proposing, and that House the odium of rejecting. They would learn to distinguish those things which were intended for Congress, from those, if there were any such, which were intended only for the people.

Perhaps also, that inversion of the usual order of responsibility which they had just witnessed, might have its use elsewhere. The latter class of propositions might hereafter, as he hoped they would, altogether cease. At least they must be advanced more cautiously. And if they were not, he trusted that House would take a proper occasion, respectfully, but distinctly, to intimate their consciousness, that in official, as in social intercourse, without the slightest breach of the purest morality, there may be uttered an infinite number of delightful nothings, which, though very sweet to the ear, and very pretty on the lips, either have no meaning at all, or may be taken to mean anything.

[The Committee were accordingly discharged.]

CLOSING BUSINESS.

An engrossed bill, entitled "An act for the relief of Anthony Buck," was read the third time and passed.

The amendments proposed by the Senate to

the bill, entitled "An act concerning invalid pensions," were read and concurred in by the House.

The amendments proposed by the Senate to the bill, entitled "An act to amend an act entitled 'An act making further provision for military services during the late war, and for other purposes,'" were read and concurred in by the House.

The amendments proposed by the Senate to the bill, entitled "An act for the relief of Mary Wells," was read and concurred in by the House.

The amendments proposed by the Senate to the bill, entitled "An act to regulate the trade in plaster of Paris," were read and concurred in by the House.

The amendments proposed by the Senate to the bill, entitled "An act making provision for the location of the lands reserved by the first article of the Treaty of the 9th of August, 1814, between the United States and the Creek nation of Indians, to certain chiefs and warriors of that nation, and for other purposes," were read and concurred in by the House.

The resolution from the Senate respecting the contracts for printing for Congress, was read twice, and ordered to be read a third time to-day. The resolution was read the third time, accordingly, and passed.

The bill from the Senate, entitled "An act compensating Peter Hagner," was read twice and committed to the Committee of the Whole House on the amendments proposed by the Senate to the bill, entitled "An act making appropriations for the support of the Navy of the United States for the year 1817."

The bill from the Senate, entitled "An act for the relief of the heirs of William B. Carter," was read twice, and ordered to lie on the table.

The amendments proposed by the Senate to the bill "making further provision for repairing the public buildings and improving the public square," were read and disagreed to by the House.

The House resolved itself into a Committee of the Whole, on the amendments of the Senate, to the bill, entitled "An act making appropriations for the support of the Navy of the United States, during the year 1817;" and on the amendments proposed by the Senate to the several other bills committed to the said Committee of the Whole House; as also, on bills from the Senate of the following titles, to wit: "An act making appropriations for carrying into effect certain Indian treaties, and for other purposes," and "An act compensating Peter Hagner;" and, after some time spent therein, the Committee rose and reported the agreement of the Committee to the amendments of the Senate to the bills, entitled "An act making appropriations for the support of the Navy of the United States during the year 1817;" "An act making appropriations for the support of the Military Establishment of the United States for the year 1817;" and "An act making additional appropriations to defray the expenses of the Army and Militia during the late war with Great Britain;" and their disagreement to the amendments of the Senate to the bill, entitled "An act making further provision for repairing the public buildings and improving the public square." The bills from the Senate above mentioned were also reported without amendment.

The amendments to the three first-mentioned bills were read, and severally concurred in by the House.

The bill from the Senate, entitled "An act making appropriations for carrying into effect certain Indian treaties, and for other purposes," was read the third time and passed.

The bill from the Senate, entitled "An act compensating Peter Hagner," was read the third time and passed.

Mr. T. WILSON submitted the following resolution:

Resolved, That the Secretary of the Treasury be directed to prepare and report to Congress, at the next session, the progress made in the United States road from Cumberland to the Ohio river; the contracts which have been entered into; the terms of such contracts respectively, and performance on the part of such contractors respectively, in whole or in part, as the case may be. Also, an explicit description of the surveys made thereon, and such as have been made for the purpose of determining the most eligible route from Washington, in Pennsylvania, to the Ohio river; together with a plan for establishing toll-gates and for the collection of tolls thereon, and for limiting the tolls to a certain per centum upon the amount of capital expended upon the work, after deducting repairs.

The question was taken, "Will the House now proceed to consider the said resolution?" and determined in the negative.

A message from the Senate informed the House that the Senate have passed the bill from this House, entitled "An act to alter and establish certain post roads," with amendments; in which they ask the concurrence of this House.

The amendments to the said bill were read, and concurred in by the House.

The House went into a Committee of the Whole on the bill from the Senate, entitled "An act to establish a separate Territorial government for the eastern part of the Mississippi Territory." The bill was reported without amendment, and ordered to be read a third time to-day. It was accordingly read the third time, and passed.

A message from the Senate informed the House that the Senate have passed bills from this House of the following titles, to wit: An act for the relief of the widow and children of Abraham Owen; and an act authorizing the payment of money to the State of Georgia, under the articles of agreement and cession between the United States and that State; with amendments to each, in which they ask the concurrence of this House.

The amendments to the said bills were read and severally concurred in by the House.

The House took up and proceeded to consider the bill from the Senate, entitled "An act to continue in force an act, entitled an act 'further to provide for the collection of duties on imports and tonnage,' passed the 3d of March, 1815, and for other purposes;" amended the same, and

ordered it to be read a third time to-day. It was accordingly read a third time, and passed.

The House took up and proceeded to consider the bill from the Senate, entitled "An act for the relief of the heirs of Landon Carter, deceased;" and the same being amended, was, on motion of Mr. Taylor, of New York, laid on the table.

The House took up and proceeded to consider the bill from the Senate, entitled "An act for the relief of the widow and children of Arnold Henry Dorhman, deceased."

Mr. Forsyth moved to lay the bill on the table; which motion was rejected by the House; and the bill was ordered to be read a third time to-day. It was accordingly read the third time, and passed.

Mr. Forsyth, from the Committee on Foreign Relations, to which was committed the amendments proposed by the Senate to the bill, entitled "An act more effectually to preserve the neutral relations of the United States," reported the agreement of that Committee to the said amendments: When a motion was made by Mr. Blount that the said bill and amendments lie on the table; which motion was rejected by the House.

A motion was then made by Mr. Sharp that the said bill and amendments be postponed indefinitely; and the question being taken thereon, it was determined in the negative—yeas 37, nays 69, as follows:

Yeas—Messrs. Adgate, Blount, Brooks, Cannon, Carr of Massachusetts, Clark of New York, Clarke of North Carolina, Clendennin, Comstock, Fletcher, Hammond, Harrison, Henderson, Ingham, Johnson of Virginia, Johnson of Kentucky, Kerr of Virginia, Kilbourn, Little, Lyon, William Maclay, Mason, Hugh Nelson, Parris, Piper, Reynolds, Root, Schenck, Sharp, Taul, Wallace, Wendover, Whiteside, Wilkin, Thomas Wilson, and William Wilson.

Nays—Messrs. Adams, Archer, Atherton, Baker, Barbour, Bassett, Bennett, Betts, Bradbury, Breckenridge, Cady, Calhoun, Champion, Chappell, Creighton, Culpeper, Davenport, Dickens, Edwards, Findley, Forsyth, Gaston, Goodwyn, Hahn, Hale, Hall, Herbert, Hopkinson, Huger, Hungerford, Irving of New York, Jackson, Jewett, King, Langdon, Law, Lewis, Lovett, Lowndes, Marsh, McCoy, Moseley, Jeremiah Nelson, Newton, Noyes, Ormsby, Peter, Pickering, Pitkin, Pleasants, Reed, Roane, Ruggles, Smith of Maryland, Stearns, Strong, Tallmadge, Tate, Taylor of New York, Telfair, Vose, Ward of Massachusetts, Ward of New Jersey, Webster, Wilcox, Wilde, Williams, Yancey, and Yates.

The amendments were then concurred in by the House.

The following resolution was submitted by Mr. Forsyth, which was read and ordered to lie on the table:

Resolved, That the Clerk of this House inform the Senate that the officers of this House are directed to prepare the Chamber of the House of Representatives in conformity to such directions as may be given by the Senate of the United States, for administering the oath of office to the President of the United States elect, on Tuesday next, at 12 o'clock.

A motion was made by Mr. H. Nelson to discharge the Committee of the whole House from the further consideration of the bill extending the time for locating Virginia military land warrants, and for returning the surveys thereon to the General Land Office, and for giving further time to complete the surveys, and to obtain patents for land located under Virginia resolution warrants.

And the question being taken thereon, it was determined in the negative.

Mr. Nelson then moved that the House go into a Committee of the Whole on the said bill; which motion was rejected by the House.

Mr. Nelson then moved that the said Committee of the whole House be discharged, and that the bill be postponed indefinitely.

A division of the question on this motion was called for, and being taken on discharging the Committee of the whole House, passed in the affirmative.

Mr. Nelson then withdrew that part of his motion for an indefinite postponement of the said bill; and the bill was ordered to be engrossed and read a third time to-day.

An engrossed bill, entitled "An act extending the time for locating Virginia military land warrants, and for returning the surveys thereon to the General Land Office, and for giving further time to complete the surveys and obtain patents for land located under Virginia resolution warrants," was read the third time, and passed.

The Committee of the whole House, to which is committed the bill from the Senate, entitled "An act to provide for the purchase and distribution of the laws of the United States," were discharged from a further consideration thereof. The question was then taken, "Shall this bill be read a third time?" and determined in the negative. And the said bill was rejected.

The Committee on Pensions and Revolutionary Claims were discharged from a further consideration of the several petitions and other matters referred to them at the present session, and upon which they have not reported to the House.

The following resolution was submitted by Mr. Root:

Resolved, That the Secretary of State be directed to lay before the House of Representatives, at the next session of Congress, a detailed statement of the expenditures of the contingent fund for foreign intercourse, and for intercourse with the Barbary Powers for the last four years.

The said resolution was read, and postponed indefinitely.

A message from the Senate informed the House that the Senate have passed bills of this House entitled "An act for the relief of Alexander Holmes and Benjamin Hough;" and an act for the relief of Peter Cazlard; with amendments. They have also passed a bill, entitled "An act for the relief of Isaac Briggs;" in which amendments and bill they ask the concurrence of this House.

The amendments proposed by the Senate to the bill, entitled "An act for the relief of Alex-

ander Holmes and Benjamin Hough;" and to the bill, entitled "An act for the relief of Peter Cazlard," were read, and severally concurred in by the House.

The bill from the Senate, entitled "An act for the relief of Isaac Briggs," was read twice, and ordered to lie on the table.

The committee appointed on so much of the President's Message, at the commencement of the session, as relates to the uniformity of weights and measures, were discharged from a further consideration of that subject.

On motion of Mr. HUGH NELSON,

Resolved, That there be paid out of the contingent fund of this House, to John Oswald Dunn, Elextius Spalding, George N. Thomas, William Pancoast, Samuel Stewart, William Lenman, James Barron, and George Cooper, the extra sum of one hundred dollars, each, as a gratuity for their uniform good conduct in the service of this House.

Resolved, That the extra sum of two hundred dollars be paid to James Claxton, out of the contingent fund of this House, for his faithful services in the post office of this House.

On motion of Mr. JACKSON, a committee was appointed on the part of this House, jointly with such committee as may be appointed on the part of the Senate, to wait on the President of the United States and notify him of the proposed recess of Congress. And Mr. JACKSON, and Mr. HOPKINSON, were appointed of the committee on the part of this House.

Mr. JACKSON, from the joint committee aforesaid, reported that the committee had waited on the President of the United States, and performed the duty delegated by the resolution, and were informed by the President that he had no further communication to make to Congress.

Ordered, That a message be sent to the Senate to inform them that this House, having completed the business before them, are now ready to adjourn, and that the Clerk go with the said message.

The Clerk accordingly went with the said message; and, having returned, a message was received from the Senate informing the House that the Senate, having completed the legislative business before them, are now ready to adjourn.

An adjournment being moved and seconded—

Mr. Speaker CLAY arose and addressed the House as follows:

GENTLEMEN: Before I perform the last duty of the presiding officer of the House, I will avail myself of the occasion to make my respectful acknowledgments for the flattering expression of favorable opinion which has been recently made, and which was rendered more interesting by the quarter from which it proceeded. Next to the approbation of one's own conscience, and one's country, that of the immediate representatives of the people must ever be most acceptable. But I feel, that in the instance of that just bestowed on me, I am more indebted to the kindness than to the justice of the House. For I am quite sensible, that in the course of my administration of the duties of the Chair, called upon, as I frequently was, promptly to decide complicated and embarrassing questions, as they suddenly arose, I must have committed many errors. And if I have been able, in any degree, to satisfy the just expectations of the House, it is owing to that liberal support which has been, on all sides, generously accorded me.

In legislation there are three periods of extraordinary difficulty, and requiring great fortitude. The first is that which immediately precedes a war, and in which preparation is made for the event. The second, that which accompanies the war: and the third that which immediately follows the war. During the two first, however, there were animating circumstances always existing, which invigorated the legislative function. During the last, the stimulus is gone, and being replaced by relaxation, the legislator needs more fortitude. He has to survey the whole fabric of the State; to accommodate it to the new circumstances in which it placed; to provide a revenue for redeeming the debt of the war; to retrench, and, by the reduction of the establishments, to dismiss from the service of the country many of those who have nobly contributed to sustain its glory.

It has been your lot, gentleman, to be cast in the last of the three periods mentioned. And I take great pleasure, regardless of the motives which may be ascribed to me, in testifying to the patience, the diligence, and the zeal which you have manifested in the public service. I am greatly deceived if, as the result of your labors, at no distant day, there will not be acknowledged to have been laid by you, the deepest foundations of the national prosperity. That you may long continue to live to witness and to participate in that prosperity; and that you may experience, on your return to your respective homes, every blessing of which our nature is susceptible, is the ardent wish of one, who, wherever he may be, will never cease to cherish of all of you, the most agreeable and affectionate recollections.

It remains for me only to announce, that this House stands adjourned *sine die*.

APPENDIX

TO THE HISTORY OF THE FOURTEENTH CONGRESS.

[SECOND SESSION.]

COMPRISING THE MOST IMPORTANT DOCUMENTS ORIGINATING DURING THAT CONGRESS, AND THE PUBLIC ACTS PASSED BY IT.

SWEDEN AND NORWAY.

[Communicated to the Senate, December 13, 1816.]

To the Senate of the United States:

A Treaty of Commerce between the United States and the King of Sweden and Norway having been concluded and signed on the 4th of September last by their Plenipotentiaries, I lay the same before the Senate for their consideration and advice as to a ratification.

JAMES MADISON.

WASHINGTON, *Dec.* 13, 1816.

In the name of the most Holy and Indivisible Trinity:

The United States of America and His Majesty the King of Sweden and Norway, equally animated with a sincere desire to maintain and confirm the relations of friendship and commerce which have hitherto subsisted between the two States, and being convinced that this object cannot be more effectually accomplished than by establishing, reciprocally, commerce between the two States upon the firm basis of liberal and equitable principles, equally advantageous to both countries, have named to this end Plenipotentiaries, and have furnished them with the necessary full powers to treat, and, in their name, to conclude a treaty, to wit: The President of the United States Jonathan Russell, a citizen of the said United States, and now their Minister Plenipotentiary at the Court of Stockholm; and His Majesty the King of Sweden and Norway His Excellency the Count Laurent d'Engestrom, his Minister of State for Foreign Affairs, Chancellor of the University of Lund, knight commander of the orders of the King, knight of the orders of Charles XIII., grand cross of the orders of St. Etienne of Hungary, of the Legion of Honor of France, of the Black Eagle and of the Red Eagle of Prussia; and the Count Adolphe George de Morner, his Counsellor of State, and commander of the order of the Polar Star; and the said Plenipotentiaries, after having produced and exchanged their full powers, found in good and due form, have agreed on the following articles:

ARTICLE 1. There shall be between all the territories under the dominion of the United States of America and of His Majesty the King of Sweden and Norway a reciprocal liberty of commerce. The inhabitants of either of the two countries shall have liberty, with all security for their persons, vessels, and cargoes, to come freely to all ports, places, and rivers within the territories of the other, into which the vessels of the most favored nations are permitted to enter. They can there remain and reside in any part whatsoever of the said territories; they can there hire and occupy houses and warehouses for their commerce; and, generally, the merchants and traders of each of the two nations shall enjoy in the other the most complete security and protection for the transaction of their business, being bound alone to conform to the laws and statutes of the two countries, respectively.

ART. 2. No other or higher duties, imposts, or charges whatsoever shall be imposed on the importation into the territories of His Majesty the King of Sweden and Norway of the produce or manufactures of the United States, nor on the importation into the United States of the produce or manufactures of territories of His Majesty the King of Sweden and Norway, than those to which the same articles would be subjected in each of the two countries, respectively, if these articles were the growth, produce, or manufacture of any other country. The same principle shall likewise be observed in respect to exportation in such manner, that in each of the two countries, respectively, the articles which shall be exported for the other cannot be charged with any duty, impost, or charge whatsoever, higher or other than those to which the same articles would be subjected if they were exported to any other country whatever.

Nor shall any prohibition be imposed on the exportation or importation of any article the growth, produce, or manufacture of the territories of His Majesty the King of Sweden and Norway,

or of the United States, to or from the said territories of His Majesty the King of Sweden and Norway, or to or from the said United States, which shall not equally extend to all other nations.

Swedish or Norwegian vessels arriving in ballast, or importing into the United States the produce or manufactures of their country, or exporting from the United States the produce or manufactures of said States, shall not be obliged to pay, either for the vessels or cargoes, any other or higher duties, imposts, or charges whatsoever, than those which the vessels of the United States would pay in the same circumstances; and, *vice versa*, the vessels of the United States arriving in ballast, or importing into the territories under the dominion of His Majesty the King of Sweden and Norway the produce or manufactures of the United States, or exporting from the territories under the dominion of His Majesty the King of Sweden and Norway the produce or manufactures of these territories, shall not pay, either for the vessels or the cargoes, any other or higher duties, imposts, or charges whatsoever, than those which would be paid if these articles were transported by Swedish or Norwegian vessels, respectively.

That which is here above stipulated shall also extend to the Swedish colony of St. Bartholomew, as well in what relates to the rights and advantages which the vessels of the United States shall enjoy in its ports, as in relation to those which the vessels of the colony shall enjoy in the ports of the United States; provided the owners are inhabitants of St. Bartholomew, are there established and naturalized, and shall have there caused their vessels to be naturalized.

ART. 3. His Majesty the King of Sweden and Norway agrees that all articles the growth, produce, or manufacture of the West Indies, which are permitted to be imported in Swedish or Norwegian vessels, whether these articles be imported directly or indirectly from the said Indies, may likewise be imported into its territories in vessels of the United States; and there shall not be paid, either for said vessels or the cargoes, any higher or other duties, imposts, or charges whatsoever than those which would be paid by Swedish or Norwegian vessels in the same circumstances, with an addition only of ten per centum on the said duties, imposts, and charges, and no more.

In order to avoid misapprehension in this respect, it is expressly declared that the term "West Indies" ought to be taken in its most extensive sense, comprising all that portion of the earth, whether main land or islands, which at any time has been denominated the West Indies, in contradistinction to that other portion of the earth denominated the East Indies.

ART. 4. The United States of America, on their part, agree that all articles the growth, produce, or manufacture of the countries surrounding the Baltic sea, or bordering thereon, which are permitted to be imported in vessels of the United States, whether these articles be imported directly or indirectly from the Baltic, may likewise be imported into the United States in Swedish or Norwegian vessels; and there shall not then be paid for the said vessels, or for the cargoes, any higher or other duties, imposts, or charges whatsoever, than those which would be paid by vessels of the United States in the same circumstances, with an addition only of ten per centum on the said duties, imposts, and charges, and no more.

In order to avoid all uncertainty in respect to the duties, imposts, or charges whatsoever which a vessel belonging to the citizens or subjects of one of the contracting parties ought to pay, on arriving in the ports of the other with a cargo consisting partly of articles the growth, produce, or manufacture of the country to which the vessel belongs, and partly of any other merchandise, which the said vessel is permitted to import by the preceding articles, it is agreed, that in case a cargo should be thus mixed, the vessel shall always pay duties, imposts, and charges, according to the nature of that part of the cargo which is subjected to the highest duties, in the same manner as if the vessel imported this sort of merchandise only.

ART. 5. The high contracting parties grant mutually the liberty of having, in the places of commerce and ports of the other, consuls, vice-consuls, or commercial agents, who shall enjoy all the protection and assistance necessary for the due discharge of their functions. But it is here expressly declared that, in case of illegal or improper conduct in respect to the laws or government of the country to which they are sent, the said consul, vice-consul, or agent, may be either punished according to law, dismissed, or sent away by the offended Government, that Government assigning to the other the reasons therefor. It is, nevertheless, understood that the archives and documents relative to the affairs of the consulate shall be protected from all examination, and shall be carefully preserved, being placed under the seal of the consul and of the authority of the place where he shall have resided.

The consuls or their deputies shall have the right, as such, to act as judges and arbitrators in the differences which may arise between the captains and crews of the vessels of the nation whose affairs are intrusted to their care. The respective Governments shall have no right to interfere in matters of this kind, except the conduct of the captain and crew shall disturb the peace and tranquillity of the country in which the vessel may be, or that the consul of the place shall feel himself obliged to resort to the interposition and support of the executive authority to cause his decision to be respected and maintained; it being, nevertheless, understood that this kind of judgment or award shall not deprive the contending parties of the right which they shall have, on their return, to recur to the judicial authorities of their own country.

ART. 6. In order to prevent all dispute and uncertainty in respect to what may be considered as being the growth, produce, and manufacture of the contracting parties, respectively, it is agreed, that whatever the chief or intendant of the customs shall have designated and specified as such, in

the clearance delivered to the vessels which depart from the European ports of His Majesty the King of Sweden and Norway, shall be acknowledged and admitted as such in the United States; and that, in the same manner, whatever the chief or collector of the customs in the ports of the United States shall have designated and specified as the growth, produce, or manufacture of the United States, shall be acknowledged and admitted as such in the territories of His Majesty the King of Sweden and Norway.

The specification or designation given by the chief of the customs in the colonies of His Majesty the King of Sweden and Norway, and confirmed by the governor of the colony, shall be considered as sufficient proof of the origin of the articles thus specified or designated, to obtain for them admission into the ports of the United States accordingly.

Art. 7. The citizens or subjects of one of the contracting parties, arriving with their vessels on any coast belonging to the other, but not willing to enter into port, or, being entered into port, and not willing to unload or break bulk, shall have liberty to depart, and to pursue their voyage without molestation, and without being obliged to render account of their cargo, or to pay any duties, imposts, or charges whatsoever on the vessels or cargo, excepting only the dues of pilotage, (when a pilot shall have been employed,) or those of quayage, or light money, whenever those dues are paid in the same circumstances by the citizens or subjects of the country. It being, nevertheless, understood, that whenever the vessels belonging to the citizens or subjects of one of the contracting parties shall be within the jurisdiction of the other, they shall conform to the laws and regulations concerning navigation, and the places and ports into which they may be permitted to enter, which are in force with regard to the citizens or subjects of the country; and it shall be lawful for the officers of the customs, in the district where the said vessels may be, to visit them, to remain on board, and to take such precautions as may be necessary to prevent all illicit commerce while such vessels remain within the said jurisdiction.

Art. 8. It is also agreed, that the vessels of one of the contracting parties, entering the ports of the other, shall be permitted to discharge a part only of their cargoes, whenever the captain or owner shall desire so to do, and they shall be allowed to depart freely with the remainder, without paying any duties, imposts, or charges whatsoever, except on that part which shall have been landed, and which shall be marked and noted on the list or manifest containing the enumeration of the merchandise which the vessel ought to have on board, and which list ought always to be presented, without reservation, to the officers of the customs at the place where the vessel shall have arrived; and nothing shall be paid on the part of the cargo which the vessels take away; and the said vessel may proceed therewith to any other port or ports in the same country, into which vessels of the most favored nations are permitted to enter, and there dispose of the same; or the said vessel may depart therewith to the ports of any other country. It is, however, understood, that the duties, imposts, or charges, which are payable on the vessel itself, ought to be paid at the first port where it breaks bulk and discharges a part of the cargo, and that no such duties or impositions shall be again demanded in the ports of the same country where the said vessel may thereafter enter, except the inhabitants of the country be subjected to further duties in the same circumstances.

Art. 9. The citizens or subjects of one of the contracting parties shall enjoy in the ports of the other, as well for their vessels as for their merchandise, all the rights and privileges of entrepot which are enjoyed by the most favored nations in the same ports.

Art. 10. In case any vessel belonging to either of the two States, or to their citizens or subjects, shall be stranded, shipwrecked, or have suffered any other damage on the coasts under the dominion of either of the parties, all aid and assistance shall be given to the persons shipwrecked, or who may be in danger thereof, and passports shall be granted them to return to their own country. The ships and merchandise wrecked, or the proceeds thereof, if the effects be sold, being claimed in a year and a day by the owners or their attorney, shall be restored, on paying the same costs of salvage, conformably to the laws and usages of the two nations, which the citizens or subjects of the country would pay in the same circumstances. The respective Governments shall watch over the companies which are or may be instituted for saving shipwrecked persons and property, that vexations and abuses may not take place.

Art. 11. It is agreed that vessels arriving direct from the United States at a port under the dominion of His Majesty the King of Sweden and Norway, or from the ports of his said Majesty in Europe at a port of the United States, furnished with a certificate of health from the competent health officer of the port whence they took their departure, certifying that no malignant or contagious disease existed at that port, shall not be subjected to any other quarantine than such as shall be necessary for the visit of the health officer of the port at which they may have arrived; but shall, after such visit, be permitted immediately to enter and discharge their cargoes: *Provided, always*, That there may not be found any person on board who has been, during the voyage, afflicted with a malignant or contagious disease, and that the country from which the vessel comes may not be so generally regarded at the time as infected or suspected that it has been previously necessary to issue a regulation by which all vessels coming from that country are regarded as suspected, and subjected to quarantine.

Art. 12. The Treaty of Amity and Commerce concluded at Paris, in 1783, by the Plenipotentiaries of the United States and of His Majesty the King of Sweden, is renewed and put in force by the present treaty, in respect to all which is

contained in the second, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twenty-first, twenty-second, twenty-third, and twenty-fifth articles of the said treaty, as well as the separate articles one, two, four, and five, which were signed the same day by the same Plenipotentiaries; and the articles specified shall be considered to have as full force and vigor as if they were inserted word for word: *Provided, nevertheless*, That the stipulations contained in the articles above mentioned shall always be considered as making no change in the conventions previously concluded with other friendly and allied nations.

ART. 13. Considering the distance of the respective countries of the two high contracting parties, and the uncertainty that results therefrom in relation to the various events which may take place, it is agreed that a merchant vessel belonging to one of the contracting parties, and destined to a port supposed to be blockaded at the time of her departure, shall not, however, be captured or condemned for having a first time attempted to enter the said port, unless it may be proved that the said vessel could and ought to have learned, on her passage, that the place in question continued to be in a state of blockade; but vessels which, after having been once turned away, shall attempt a second time, during the same voyage, to enter the same port of the enemy, while the blockade continues, shall be liable to detention and condemnation.

ART. 14. The present treaty, when the same shall have been ratified by the President of the United States, by and with the advice and consent of the Senate, and by His Majesty the King of Sweden and Norway, shall continue in force, and be obligatory on the United States and His Majesty the King of Sweden and Norway, for the term of eight years from the exchange of the ratifications; and the ratifications shall be exchanged in eight months from the signature of this treaty, or sooner if possible.

In faith whereof, the respective Plenipotentiaries have signed the present treaty, and have thereunto set the seal of their arms. Done at Stockholm, the fourth day of September, in the year of Grace one thousand eight hundred and sixteen.

JONA. RUSSELL,
LE COMTE D'ENGESTROM,
LE COMTE A. G. DE MORNER.

NEUTRAL OBLIGATIONS.

[Communicated to Congress, December 26, 1816.]

To the Senate and House of Representatives of the United States:

It is found that the existing laws have not the efficacy necessary to prevent violations of the obligations of the United States as a nation at peace towards belligerent parties, and other unlawful acts on the high seas, by armed vessels equipped within the waters of the United States.

With a view to maintain more effectually the respect due to the laws, to the character, and to the neutral and pacific relations of the United States, I recommend to the consideration of Congress the expediency of such further legislative provisions as may be requisite for detaining vessels actually equipped, or in a course of equipment, with a warlike force, within the jurisdiction of the United States; or, as the case may be, for obtaining from the owners or commanders of such vessels adequate securities against the abuse of their armaments, with the exceptions in such provisions proper for the cases of merchant vessels furnished with the defensive armaments usual on distant and dangerous expeditions, and of a private commerce in military stores permitted by our laws, and which the law of nations does not require the United States to prohibit.

JAMES MADISON.

DECEMBER 26, 1816.

[The following documents, relating to the subject referred to in the above Message, were laid before the House of Representatives, by Mr. Forsyth, Chairman of the Committee on Foreign Relations.]

Mr. Forsyth to the Secretary of State.

JANUARY 1, 1817.

SIR: I am instructed by the Committee of Foreign Relations to inquire what information has been given to the Department of State of violations, or intended violations, of the neutral obligations of the United States to foreign Powers, by the arming and equipment of vessels of war in our ports; what prosecutions have been commenced under the existing laws to prevent the commission of such offences; what persons prosecuted have been discharged, in consequence of the defects of the laws now in force; and the particular provisions that have been found insufficient, or for the want of which persons deserving punishment have escaped.

I have the honor to be, &c.

JOHN FORSYTH,
Chairman Com. Foreign Relations.

HON. JAMES MONROE.

Secretary of State to Mr. Forsyth.

DEPARTMENT OF STATE,
January 6, 1817.

SIR: Having communicated to you, verbally, the information asked for by your letter of the 1st instant, except so far as relates to the last inquiry it contains, I have now the honor to state, that the provisions necessary to make the laws effectual against fitting out armed vessels in our ports, for the purpose of hostile cruising, seem to be—

1st. That they should be laid under bond not to violate the treaties of the United States, or the obligations of the United States under the law of nations, in all cases where there is reason to suspect such a purpose on foot, including the cases of vessels taking on board arms and munitions of

war, applicable to the equipment and armament of such vessels, subsequent to their departure.

2d. To invest the collectors, or other revenue officers where there are no collectors, with power to seize and detain vessels under circumstances indicating strong presumption of an intended breach of the law: the detention to take place until the order of the Executive, on a full representation of the facts had thereupon, can be obtained. The statute book contains analogous powers to this above suggested. (See particularly the eleventh section of the act of Congress of April 25, 1808.)

The existing laws do not go to this extent. They do not authorize the demand of security in any shape, or any interposition on the part of the magistracy as a preventive, where there is reason to suspect an intention to commit the offence. They rest upon the general footing of punishing the offence merely where, if there be full evidence of the actual perpetration of the crime, the party is handed over, after the trial, to the penalty denounced. I have the honor to be, &c.

JAMES MONROE.

Hon JOHN FORSYTH,
Chairman Com. Foreign Relations.

Secretary of State to Mr. Forsyth.

DEPARTMENT OF STATE,
January 10, 1817.

SIR: In addition to the letter which I wrote to you on the 6th, in reply to the one which you wrote to me on the 1st instant, I have the honor to state, that information has been received at this Department, from various sources, that vessels have been armed and equipped in our ports for the purpose of cruising against the commerce of nations in amity with the United States, and no doubt is entertained that this information was in some instances correct. The owners of these vessels have, however, generally taken care so to conceal these armaments and equipments, and the objects of them, as to render it extremely difficult, under existing circumstances, to prevent or punish this infraction of the law. It has been represented—

1st. That vessels belonging to citizens of the United States, or foreigners, have been armed and equipped in our ports, and have cleared out from our custom-houses, as merchant vessels; and, after touching at other ports, have hoisted the flag of some of the belligerents, and cruised under it against the commerce of nations in amity with the United States.

2dly. That in other instances, other vessels, armed and equipped in our ports, have hoisted such flags after clearing out and getting to sea, and have, in like manner, cruised against the commerce of nations in amity with the United States, extending their depredations, in a few cases, to the property of citizens of the United States.

3dly. That in other instances, foreign vessels have entered the ports of the United States, and, availing themselves of the privileges allowed by our laws, have, in various modes, augmented their armaments, with pretended commercial views; have taken on board citizens of the United States, as passengers, who, on their arrival at neutral ports, have assumed the character of officers and soldiers in the service of some of the parties in the contest now prevailing in our southern hemisphere.

Information, founded upon these representations, has from time to time been given to the attorneys and collectors of the respective districts in which the armaments are stated to have been made; but, from the difficulty of obtaining the necessary evidence to establish facts on which the law would operate, few prosecutions have been instituted.

In reply to your second inquiry, I beg leave to refer to the communication from the Secretary of the Treasury to the Committee of Ways and Means, during the last session of Congress, in the case of the "American Eagle," and to the papers enclosed herewith. I have the honor to be, &c.

JAMES MONROE.

Hon. JOHN FORSYTH,
Chairman Com. Foreign Relations.

Extract of a letter from John Dick, Esq., Attorney of the United States for the district of Louisiana, to the Secretary of State, dated

MARCH 1, 1816.

Attempts to violate the laws, by fitting out and arming, and by augmenting the force of vessels, have no doubt been frequent; but certainly in no instance successful, except where conducted under circumstances of concealment that eluded discovery, and almost suspicion; or where carried on at some remote part of the coast, beyond the reach of detection or discovery. In every instance where it was known that these illegal acts were attempting, or where it was afterwards discovered that they had been committed, the persons engaged, as far as they were known, have been prosecuted, while the vessels fitted out, or attempted to be fitted out, have been seized and libelled under the act of the 5th of June, 1794; and when captures have been made by vessels thus fitted out and armed, or in which their force was augmented or increased within our waters, where the property taken was brought within our jurisdiction, or even found upon the high seas by our cruisers and brought in, it has been restored to the original Spanish owners, and, in some instances, damages awarded against the captors.

An enumeration of the cases in which individuals have been prosecuted for infringing, or attempting to infringe, our neutrality, in aid of the Governments of New Spain, and in which vessels have been seized and libelled, under the act of the 5th of June, 1794, together with a list of the vessels and property restored to the original Spanish owners, (confining the whole to the operations of the year commencing March, 1815, and ending February, 1816,) will show more conclusively, perhaps, than anything else can, how totally without foundation are the com-

plaints, and how misplaced are the assertions of the Minister of Spain on this head.

The names of the individuals prosecuted in the district court of the United States for the Louisiana district, during the year 1815, for violating, or attempting to violate, the neutrality of the United States, in aid of the Governments of the United Provinces of New Grenada, and of the United Provinces of Mexico.

José Alvarry Toledo,	Romain Very,
Julius Cæsar Amigone,	Pierre Lameson,
Vincent Gambie,	Bernard Bourden.
John Robinson,	

List of vessels libelled for illegal outfits of the same Governments during the same period.

Brig Flora Americana, restored.
Schooner Presidente, condemned.
Schooner Petit Melan, condemned.
Schooner General Bolivar, discontinued.
Schooner Eugenen, alias Indiana, condemned.
Schooner Two Brothers, restored.

Enumeration of vessels and property brought within the Louisiana district, captured under the flags and by authority of the Governments of New Grenada and of Mexico, libelled on the part of the original Spanish owners, and restored upon the ground that the capturing vessels had been fitted out and armed, or had their force augmented, within the waters of the United States.

1. Schooner Cometa, restored April, 1815.

2. Schooner Dorada, proceeds restored 16th May, 1815, $3,050.

3. Schooner Amiable Maria, $3,850.

4. Schooner Experimento, restored 3d August.

5. The polacre brig De Regla and cargo, proceeds restored 18th December, 1815, $19,209 50.

6. Schooner Alerta and cargo, being the proceeds of the capture of about eighteen small vessels, restored 18th December, 1815, $62,150 05.

Damages awarded to the original owners against the captors in the two foregoing cases, $55,272 99.

7. Cargo of the schooner Petit Melan, restored 1st February, 1816, $2,444 31.

8. Cargo of the schooner Presidente, 1st February, 1816, $10,931 15.

9. Schooner Sante Ritor and cargo, restored 1st February, 1816, $37,962 94.

The preceding account of Spanish property restored to the original proprietors, after being in the possession of the enemies of Spain, is defective, inasmuch as it does not comprehend the whole of the cases of restoration that have taken place within the period to which the detail is confined. The very hasty manner in which I have made this communication did not admit of a more accurate statement. The principal cases, however, are included in it.

In several other cases, where the property was claimed for the original Spanish owners, the claims were dismissed, because it did not appear that any violation of our neutrality had taken place. The capturing vessels were not armed, nor was their force augmented within our jurisdiction, nor had the captures been made within a marine league of our shore. The principles that guided the decisions of the court, as well in restoring the property captured, where our neutral means had been used, as in declining all interference where that was not the case, manifest, I think, a disposition to, and an exercise of, the most rigid neutrality between the parties.

If the whole of this letter is not an act of supererogation, to dwell longer upon those parts of the correspondence of the Chevalier De Onis which relate to Louisiana would at least be so considered.

Mr. Glenn to the Secretary of State.

BALTIMORE, *Sept.* 7, 1816.

SIR: Immediately upon the receipt of your letters of the 16th of August, I obtained from the collector of this port an affidavit, stating that Thomas Taylor had, in April last, sworn that he was a citizen of the United States, and, as such, had cleared out the schooner Romp, which vessel the collector also declared, on oath, he believed to have cruised against the vessels of the King of Spain since that time. Upon which affidavit, an intelligent justice of the peace of this city, well disposed, upon the score of political feeling, to do as much as justice required towards the punishment of Taylor for his conduct, issued a warrant, by virtue of which Taylor was arrested. Upon its return, I appeared before the justice, (whose name is John Dougherty,) and presented all the documents which were sent to me in company with your letter, which were read and received as evidence by him. I also caused a sailor, who had served on board the Romp, and who was at that time in hospital at this place, to be summoned, as also the editor of the "American" newspaper, in which Taylor's letter had appeared, bearing date at "Baltimore, the 10th of July, 1816;" all of whom were examined, on oath, before the justice. The sailor was cautioned not to criminate himself, upon which he refused to answer any question. Mr. Murphy, one of the editors of the American, declared, on oath, that he had no authority whatever from Taylor to publish the letter which bore his signature, but that he had taken the same, of his own accord, as an article of intelligence, from a newspaper printed in Charleston. I was not, you will perceive, in the slightest degree assisted in my case by the examination of these witnesses. I, however, urged before the justice that the depositions laid a sufficient ground of probable cause of suspicion against Taylor, when connected with the affidavit of the collector. I also produced some authority to show that Taylor ought to be committed. Whereupon the justice desired until yesterday morning to consider upon the case, and requested that the marshal might be present at the time of his decision, which accordingly took place. The justice has, notwithstanding all these circumstances, actually discharged Taylor, upon the ground, as he states, that he could not find there was any probable cause to believe he was concerned with, or advised Squire Fisk, to com-

mit the acts of piracy which were committed by him on his late cruise, and as Taylor never was on board the Romp from the time she left Baltimore. Thus ended this case, as far as I have gone.

Judge Houston will be here in one or two days to hold a district court. Upon his arrival, I shall lay all the proofs before him, and claim from him a warrant, which I presume he will grant without hesitation, the issue of which shall be communicated to you without delay.

As the editors of the American and Patriot tell me they copied the letter written by Taylor, bearing date the 10th of July, 1816, from the Savannah Republican or the Charleston Patriot, unless I can procure the testimony of one of these editors to prove that Taylor actually gave them that letter for publication, I do not see how he is to be implicated criminally with Fisk. If Judge Houston should take cognizance of the case, I will, at all events, be glad to have the witnesses who were examined in Virginia here on the 7th of November next, to give evidence before the grand jury which will be summoned to attend the circuit court.

In this case, there are a variety of circumstances tending to show Taylor's co-operation with, and assistance to, Fisk; but none, I fear, sufficiently conclusive to convict him, unless we can prove the authenticity of his letter of instructions, which can only be done by procuring his orders to publish his last letter, which admits the authenticity of the first.

I enclose to you four letters which have been lately received by me from the Spanish Consul here, as also my answer to them. I shall be happy to hear that I have, in all these affairs, acted in such a manner as to meet your approbation.

I have the honor, &c.,

ELIAS GLENN.

Hon. JAMES MONROE,
Secretary of State.

GREAT BRITAIN—DEPORTATION OF SLAVES.

[Communicated to the Senate, February 7, 1817.]

To the Senate of the United States:

I transmit to the Senate a report of the Secretary of State, complying with their resolution of the 28th of last month.

JAMES MADISON.

FEBRUARY 7, 1817.

DEPARTMENT OF STATE, *Feb.* 5, 1817.

The Secretary of State, to whom has been referred the resolution of the Senate of the 28th of last month, requesting the President to cause to be laid before the Senate such information as he may possess touching the execution of so much of the first article of the late Treaty of Peace and Amity between His Britannic Majesty and the United States of America as relates to the restitution of slaves, has the honor to submit to the President the accompanying papers, marked A, B, C, D, and E, as containing all the information in this department supposed to be called for by the said resolution.

All which is respectfully submitted.

JAMES MONROE.

A.

Extract of a letter from the Secretary of State to Mr. Adams, dated

MAY 11, 1815.

I am sorry to have to state that the British naval commanders have construed the stipulation in the treaty not to carry off with their forces the slaves whom they had taken from our citizens differently from this Government. My correspondence with Mr. Baker, of which a copy is enclosed, will show the ground of this difference, which appears to be so decidedly in favor of the United States, that it has excited surprise that it should have existed; and still greater that the British officers should have acted on their construction, by removing the slaves in question. Mr. Baker makes a distinction between the slaves who were in British ships-of-war in our waters, and those who were in the posts held by their forces at the time of the exchange of the ratifications of the treaty, but I think without reason. It seems to have been the intention of the parties, and to be the clear import of the article, that they should carry off no slaves that were then within our limits. They were as much in the possession and under the authority of the British commanders in the forts, or other places held by their troops on the land, as in their vessels. It was as much a carrying away in the one instance as in the other; and the injury to the proprietors of the slaves was the same. In short, I see no ground for such a distinction. The United States have a right either to the restitution of all these slaves, or to compensation for their loss. I shall forward to you, without delay, a list of those thus removed, with an estimate of their value; the payment of which, if the slaves themselves are not restored, you will claim of the British Government.

[Enclosed in the preceding.]

The Secretary of State to Mr. Baker, Chargé d'Affaires of His Britannic Majesty.

APRIL 1, 1815.

SIR: I regret to have to state that the commanders of His Britannic Majesty's naval forces in the Chesapeake, and on Cumberland island, and other islands off the southern coast, have construed the stipulation in the first article of the Treaty of Peace, lately concluded between the United States and Great Britain, very differently from what is thought to be a just construction of it by this Government. They comprise slaves, and other private property, under the same regulation with artillery, and other public property, and contend that none ought to be restored ex-

cept such as were, at the time of the exchange of the ratifications of the treaty, in the forts and places where they were originally taken.

By the first article of the treaty it is stipulated "that all territory, places, and possessions whatsoever, taken from either party by the other during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay, and without causing any destruction or carrying away any of the artillery or other public property originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty, or any slaves or other private property."

A very obvious distinction exists between private and public property; and there may be a strong and obvious motive for destroying the one, when there can be none for destroying the other. It frequently happens, in surrendering territory by a treaty of peace, that the party withdrawing stipulates a right to destroy the fortifications in its possession, and to carry away or destroy the artillery and munitions of war in them; but it is believed that no example can be found of a stipulation to authorize the destruction of private property of any kind, especially slaves. Equally strange would a stipulation be not to destroy them.

The terms of the article preserve this distinction between public and private property in a guarded manner. All territory, places, and possessions, with a particular exception, shall be restored, without destroying or carrying away any of the artillery or other public property originally captured in the said forts or places, and which remain there upon the exchange of ratifications. So far the stipulation acts upon proper subjects, and conforms to usage. Extend it to slaves and other private property, and how inconsistent and unnatural the application! Had it been intended to put slaves and other private property on the same ground with artillery and other public property, the terms "originally captured in the said forts or places, and which shall remain therein on the exchange of the ratifications of this treaty," would have followed at the end of the sentence, after "slaves and other private property." In that case, both interests, the public and the private, would have been subject to the same restraint. But, by separating them from each other, and putting the restrictive words immediately after "artillery and other public property," it shows that it was intended to confine their operation to those objects only, excluding from it "slaves and other private property."

Other consequences, equally inconsistent with the spirit and equity of the article, would follow from the construction given of it by the British naval commanders. If the slaves and other private property are placed on the same footing with artillery and other public property, the consequence must be that all will be carried away. It is believed that none of the slaves were taken in forts or other places where the British troops happened to be at the exchange of the ratifications of the treaty. By far the greater number, if not the whole, were taken from proprietors inhabiting the country bordering on the bays and rivers which empty into the Atlantic. As this fact was well known to the Commissioners of both nations, it furnishes a conclusive argument against the construction contended for by the British naval commanders. It cannot be believed that the Commissioners would have agreed to a stipulation which they respectively knew would produce no effect.

In supposing that all the slaves would be carried away under the construction given to this article by the British and naval commanders, I have considered the term "place," in a qualified sense, synonymous with "fort," as a military station, taken by the British forces and held by them at the peace. But if it is construed in a more enlarged sense, such as the country from which the slaves were taken, none could be carried away even under that construction. That it must be construed in this enlarged sense, if applicable to slaves and other private property, is obvious from the consideration that the act of taking them removed them from the places where they were taken.

The stipulation in this article, in relation to the point in question, by a fair and just construction, appears to me to amount to this: that each party shall restore, without delay, all the territory, places, and possessions, which had been taken by it, with the exception of certain islands; that neither shall destroy or carry away artillery or public property, provided they be, at the time of the exchange of ratifications, in the forts or places in which they were originally captured; that neither shall carry away slaves or other private property. The restraint provided against the carrying away of the latter is evidently connected with the great object of the article, the restoration of territory, places, and possessions, and not with forts and places, in the qualified sense suggested: in which sense it applies to artillery and other public property only, the ordinary and proper appurtenances of forts and other military posts.

From every view which I have been able to take of this subject, I am of opinion that the United States are entitled to all the slaves and other private property which were in the possession of the British forces, within the limits of the United States, on the exchange of the ratifications of the treaty, whether they were in forts or British ships of war.

Presuming that your Government has instructed you upon this subject, and that it concurs in this construction of the article, I flatter myself that you will give directions to the British naval commanders not to carry away any of the slaves and other private property which may thus be fairly claimed by the United States.

I have the honor to be, sir, your most obedient servant,

JAMES MONROE.

ANTHONY ST. JOHN BAKER, Esq., &c.

Mr. Baker to Mr. Monroe.

WASHINGTON, *April* 3, 1815.

SIR: I have had the honor to receive your letter of the 1st instant, stating that the commanders of His Majesty's naval forces have given a different construction to that part of the first article of the Treaty of Peace lately concluded between the two countries which relates to the restoration of slaves and private property from what is thought by the American Government to be its just construction, by making the restriction annexed to the restoration of artillery and public property likewise apply to slaves and private property; at the same time expressing your opinion that the United States are entitled to all the slaves and other private property in possession of the British forces within the limits of the United States on the exchange of the ratifications, whether they were in forts or British ships of war, and requesting, under the supposition that His Majesty's Government concurred in this construction of the article, and had furnished me with instructions accordingly, that I would give directions to the naval commanders not to carry away any of the slaves so claimed by the United States.

As I have not received any communication on the subject from the commander-in-chief on the American station, by whose orders the several naval commanders have, no doubt, been guided, I am unacquainted with the grounds on which he rests his interpretation of the words of the first article of the treaty. It is, however, not improbable that he may have imagined that it could not have been intended by the Plenipotentiaries of the two countries that there should be a general prohibition against carrying away from the places restored all private property of every description, and to whomsoever belonging, found therein on the exchange of the ratifications; and that, therefore, as some limitation must have been contemplated in the case of private as well as public property, the restriction attached by the words immediately preceding to the latter, was likewise applicable to the former.

I regret to find that, by the view taken of this part of the first article, the Government of the United States claims the negroes, originally American, on board the British ships of war which happened to be within the limits of the United States at the time of the exchange of the ratifications, as I do not conceive that it can be satisfactorily shown that this construction is sanctioned by the words of the article; and I have no hesitation in stating my belief, founded on the best means of information, that, at the time the article was framed, it was meant that the prohibition against carrying away slaves and private property should be taken in connexion with the restoration of territory, places, and possessions; and that if it had been supposed by His Majesty's Plenipotentiaries at Ghent that the words were susceptible of the construction now given to them, and that a claim would be founded upon them for the delivering up of persons who had sought refuge during the war on board of British ships, their insertion would have been decidedly objected to, and others proposed.

Not being, however, in possession of any instructions from my Government upon this subject, the only step which it is in my power to take in relation to it is to transmit to England, and to the naval commander-in-chief on this station, copies of your letter; and I have no doubt that the reasoning contained in it will, in the most perfect spirit of amity, be duly and considerately examined, with the sincere desire to give that interpretation to the article in question which may be most consonant to justice and to its true and fair meaning.

I have the honor to be, &c.,

ANTHONY ST. JOHN BAKER.

Hon. JAMES MONROE, &c.

B.

Mr. Graham to the Secretary of State.

CITY OF WASHINGTON, *Feb.* 28, 1815.

SIR: I now enclose a copy of the correspondence between the Commissioners appointed on the part of the United States to receive and make the necessary arrangements respecting the public and private property in possession of the British forces within the Chesapeake bay, to be given up under the first article of the Treaty of Peace between the United States and Great Britain, and Captain John Clavelle, commanding the British forces in the Chesapeake bay.

In pursuance of the arrangements therein made, Colonel Bayly has remained to take an inventory of the property and slaves, and to endeavor to ascertain, as far as practicable, to whom they belong.

I have the honor to be, &c.,

GEORGE GRAHAM.

Hon. JAMES MONROE.

Messrs. Bayly, Graham, and Skinner, to Mr. Clavelle.

SCHOONER ADELINE,
Chesapeake Bay, Feb. 23, 1815.

SIR: The undersigned Commissioners appointed on the part of the United States to receive and make all necessary arrangements concerning the property which may be in the possession of the forces of His Britannic Majesty in the Chesapeake, or on the shores or islands thereof, and which is to be delivered up and restored, agreeably to the first article of the Treaty of Peace and Amity between the United States and His Britannic Majesty, concluded and signed at Ghent, on the 24th day of December, 1814, have the honor to inform you, that, having exhibited to you their powers, they are now ready to proceed to execute the trust reposed in them; and they take this occasion to observe, that, under the stipulations of the first article of the said treaty, all slaves, and other private property, which may now be in possession of the forces of His Britannic Majesty within the Chesapeake, are claimed

to be delivered up forthwith, and that all such as may have been removed since the 17th instant, (the day on which the exchange of the ratifications of the treaty took place,) are claimed to be restored with all convenient despatch.

We have the honor to be, &c.,
THO. M. BAYLY,
GEORGE GRAHAM,
JOHN S. SKINNER.

Captain JOHN CLAVELLE,
Com'r of H. B. Majesty's forces.

Mr. Clavelle to Messrs. Bayly, Graham, and Skinner.

H. M. SHIP ORLANDO,
In the Patuxent, Feb. 23, 1815.

GENTLEMEN: I have just had the honor of receiving your communication of this day's date, stating that you are appointed, on the part of the United States, to receive and make all necessary arrangements concerning the property which may be in possession of the forces of His Britannic Majesty in the Chesapeake, or on the shores or islands thereof, agreeably to the first article of the Treaty of Peace between His Britannic Majesty and the United States; and in reply I beg to state, that I understand the first article of the treaty, relative to private and public property, thus, viz: all territory, places, and possessions whatsoever, taken from either party by the other during the war, or which may have been taken after the signing of this treaty, excepting only the islands hereafter mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery or other public stores, or any slaves, or other private property originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratification of this treaty.

As none of the slaves now in Tangier were captured there, I cannot feel myself at liberty to deliver them up; far less can I give up those now serving on board His Britannic Majesty's ships, as by entering into the service they made themselves free men. I shall, however, give directions that the whole of those on board the different ships, of every description, shall be discharged into this ship until I receive instructions from Rear Admiral Cockburn, to whom I shall immediately despatch a vessel.

I have the honor to be, &c.,
JOHN CLAVELLE.

To. Messrs. BAYLY, GRAHAM, and SKINNER.

Messrs. Bayly, Graham, and Skinner to Mr. Clavelle.

SCHOONER ADELINE,
Chesapeake Bay, Feb. 23, 1815.

SIR: We have the honor to acknowledge the receipt of your reply to our communication of this date, and regret to find that you do not feel yourself at liberty to deliver up all slaves and other private property of the citizens of the United States, which came under your control previously or subsequently to the date of the exchange of the ratifications of the treaty concluded by the Commissioners on the part of the United States and Great Britain, and still remaining within the Chesapeake, or on the shores or islands thereof.

As, however, you have put a construction upon the first article of the treaty, which, in our estimation, the terms do not warrant, and difficulties have arisen in the execution of our trust which were not anticipated, it becomes our duty to ask your co-operation in taking, for the mutual satisfaction of our respective Governments, an inventory of all slaves and other private property within the waters of the Chesapeake, or on the shores or islands thereof, and now in the possession of His Britannic Majesty's forces; that the difference of construction placed upon the first article of said treaty may be satisfactorily adjusted, and its stipulations executed in good faith. We are further satisfied you will perceive the propriety of furnishing us, for the information of the proper authorities, as far as the means in your power may render it practicable, with an account of all slaves and other private property of citizens of the United States, which may have been removed from the Chesapeake, or any of the shores or islands thereof, since the date of the ratification of the treaty; and, in like manner, with an account of all artillery or other public property, if any, which was, on the date of the ratification of the said treaty, or which may still remain within the forts or places where the same was originally captured.

We have the honor to be, &c.
THOMAS M. BAYLY,
GEORGE GRAHAM,
JOHN S. SKINNER.

Capt. JOHN CLAVELLE,
Commander H. B. M.'s forces, &c.

Mr. Clavelle to the American Commissioners.

H. B. M. SHIP ORLANDO.
In the Patuxent, Feb. 24, 1815.

GENTLEMEN: In reply to your communication of yesterday's date, which I had the honor of receiving last evening, I beg to state, that I do conceive the terms of the first article of the Treaty of Peace between His Britannic Majesty and the United States, do admit of the construction I put on it yesterday in my note to you, and not at all applicable to the slaves now on Tangier island, or those on board His Britannic Majesty's ships under my command, now in the Chesapeake, they not having been captured "there." But, in order that every thing may be perfectly understood, and properly arranged hereafter, I shall be most happy to meet your wishes for the mutual satisfaction of our respective Governments, by ascertaining and taking an inventory of all slaves, and other private property of the citizens of the United States, within the waters of the Chesapeake, or on the shores or islands thereof, and now in the possession of His Britannic Majesty's forces.

I further state, for your information, that no slaves, or other private property, have been removed from the Chesapeake, or any of the shores or islands thereof, since the exchange of the rati-

fication of the treaty; nor has any artillery or other public property.

As soon as the weather is fine I shall proceed to Tangier, for the purpose of assisting you in taking an inventory of the slaves, which I certainly cannot think of giving up until I receive instructions on that head, conceiving they do not come within the limits of the first article of the treaty.

I have the honor to be, &c.

JOHN CLAVELLE.

To the AMERICAN COMMISSIONERS.

Mr. Bayly to the Secretary of State.

ACCOMAC, *April* 18, 1815.

SIR: Yesterday Captain Clavelle, with the Orlando and Madagascar frigates, and schr. Bream, sailed from near Tangier harbor for Bermuda. I enclose to you copies of my last letter to him, and his reply, upon the subject of the slaves and other property, public and private, which ought not to have been carried away.

I have the honor to be, &c.

THOMAS M. BAYLY.

ACCOMAC, *April* 13, 1815.

SIR: I am informed that you intend to-morrow to leave the Chesapeake bay, with the ships under your command; and I wish to know your determination respecting the restoration of the slaves and other property, public and private, which were captured from the United States, and citizens thereof, during the late war, and which were in the waters of the Chesapeake, and islands thereof, on the day the ratification of the Treaty of Peace and Amity between the United States and Great Britain was exchanged.

You have informed me of your visit to Mr. Baker, Chargé d'Affaires of His Britannic Majesty at Washington, and that you have received from Rear Admiral Cockburn his instructions; I may, therefore, expect your final determination, and I hope that your construction upon the first article of this Treaty of Amity is such, that the slaves and other property contemplated by it will not be carried away.

I have the honor to be, &c.

THOMAS M. BAYLY.

JOHN CLAVELLE, Esq.,
Commanding H. B. M.'s ships, &c.

H. B. M. SHIP ORLANDO,
In the Chesapeake, April 15, 1815.

SIR: In reply to your communication of the 13th instant I beg leave to state, that my determination is not to restore any slaves, private or public property, captured before the exchange of the ratifications of the Treaty of Peace between His Britannic Majesty and the United States, agreeably to my instructions from Rear Admiral Cockburn on that head.

I have the honor to be, &c.

JOHN CLAVELLE.

To T. M. BAYLY, Esq., &c.

C.

Copy of a letter from Thomas M. Newell, Captain of Sea Fencibles, and Thomas Spalding, to Brigadier General Floyd, dated at

SAPELO ISLAND, *March* 16, 1815.

SIR: We left Darien on Sunday, the 5th inst., and arrived at Dungeness at 4 o'clock on Monday. As we observed British troops embarking, and as we believed many slaves and much private property would be sent off with them, we determined to call upon Admiral Cockburn immediately, and to present the letters from General Pinckney and yourself, with our letter of authority. On reading General Pinckney's letter, and discovering that, instead of a copy of the Treaty of Peace from the Secretary of State's office, the National Intelligencer was enclosed, Admiral Cockburn expressed much surprise; and it appeared, from his manner, that his temper was not a little ruffled by the incident. He totally denied the authority of a treaty so communicated to him. After reminding him that the Intelligencer was the State paper of the United States for such purposes, that in England the publication of a treaty in the Gazette would be a proper promulgation of it, and the impossibility that there would be of furnishing to every detached squadron that floated upon the sea any more authenticated copy of a Treaty of Peace than the public papers afforded; these were the ideas brought forward, and this the language, with the exception of its being abridged. Admiral Cockburn still denied our positions, but then proposed to us that we should make a transcript of the treaty; that we should certify it to be a true copy, and should present it to him as such on the part of General Pinckney and yourself. As forms were no object, we assented to this at once. The difficulty having been got over, we thought it proper to enter immediately on the subject-matter of our mission, and requested to know of Admiral Cockburn what public property taken at Point Petre, or at St. Mary's, remained upon Cumberland island, in the ships near Dungeness, or in the ships then lying in the sound, of which there were many; some of these ships taken at St. Mary's, and there loaded with property taken at the same place.

As we had no instructions as to the extent of the restitution we should demand, and were left to our own judgment on the occasion, we determined to adopt the same rule in regard to private property and to slaves that we had adopted in regard to public property. We, therefore, demanded all the slaves and private property, of every description, taken or received at Cumberland island, at St. Mary's, or St. Simon's, and which were then on Cumberland island, or lying in the waters contiguous to the same, on board his ships, or which had been there at the ratification of the Treaty of Peace by the President of the United States; and, in making this demand, we were happy to find that a great portion of the public and private property, and almost all the slaves taken or received since the British forces had been operating in Georgia, came within the limits we had

prescribed to our demand. To our inquiry as to public property, and our demand as to private Admiral Cockburn at once replied, "he had no public property; that the guns he had removed; the munitions of war he had destroyed;" but if they were there, not having been taken at Cumberland island, which place alone remained in his possession at the ratification of the treaty, they did not come within the operation of the first article of it; that, with regard to slaves and other property, he meant to adopt the same rule; "that the property and slaves taken at Cumberland, and remaining there at the ratification, would be restored; but what were taken or received from other places, although on Cumberland, or in the ships in the river or sound, would not."

It will be understood that we do not here repeat the words, but the substance, of what Admiral Cockburn said, who appeared, during the whole of this conversation, a little warm. Having discovered the construction which Admiral Cockburn was pleased to put upon the treaty, and his manner forbidding a hope of a change of opinion, Mr. Spalding thought it proper to draw his attention to the ships then lying within a hundred yards of the wharf of Dungeness, on board of which it was known some slaves were, by observing to him that the river was taken possession of at the same time that Cumberland was occupied by the British forces; that it was equally in his possession with the soil adjacent on the ratification of the treaty, and would only be restored to the United States the moment he withdrew his forces from Dungeness; that, consequently, under his own rule, the property and slaves on board those ships, originally taken at Cumberland, it was expected would partake of the quality of the property and slaves originally found on Cumberland, and remaining there. To this Admiral Cockburn replied, that wherever the British flag was, there was British territory; and, by way of elucidating his position, demanded of Mr. Spalding whether, if he (Admiral Cockburn) committed a murder on board one of those ships in time of peace, he believed him amenable to the laws of the United States?" "No, sir," said he, "I am amenable to my own Government, and to my own sovereign." To this it was replied, he was amenable to his own Government and to his own sovereign as an officer, but he was amenable to the laws of the United States as a man. And it was in turn asked whether he believed, if a murder was committed on board an American ship in the river Thames, the laws of England would not operate upon the murderer? "No, sir." "I, too, sir, have studied the laws of England in my youth, and I think they would." "Then, sir, we are at issue, and it is unnecessary to say more." "If we are at issue, Admiral Cockburn, upon an abstract principle, it is of little importance. Will you please to turn over to the first article of the treaty, and we will see if we can agree upon a practical result?" This conversation is reported in its very words, that you may be possessed of the Admiral's manner of reasoning and mode of thinking at our arrival; and it was closed by observing that we should address a note to him, which we hoped he would answer as soon as possible; then took our leave. The next day, the 7th instant, we called upon him, and presented a transcript of the treaty, certified by us to be a true copy, which he accepted. We then handed him the following note, (No. 1,) which, after having read, he promised to answer the following morning. And here it is proper to observe, that, at the meeting, and at the many that followed it, Admiral Cockburn was calm, and his manner courteous in a high degree. During the evening of this day we understood that Admiral Sir Alexander Cochrane had arrived, and, consequently, we should not receive any answer to our note until there had been a conference between Admiral Cochrane and himself. At this delay we felt no regret, as we hoped from him, from many causes not necessary to state, a more liberal construction of the treaty. The weather was so bad that it was the 10th before this communication took place, immediately after which Admiral Cockburn transmitted to us the following note, in answer to the one we had addressed him. (No. 2.)

Finding this note was approved of in the margin by Sir Alexander Cochrane, and understanding, and even knowing from our own sight, that he had taken his departure from the coast by the time we had received this note, all attempts at demonstrating the incorrectness of the conclusion drawn by Admiral Cockburn from the first article of the treaty seemed useless; for Admiral Cockburn no longer had the power, if he had the inclination, to correct his first opinion; and we presently understood that even the small return of slaves and property embraced by his construction of the treaty was yielded with some reluctance by Sir Alexander Cochrane. We, therefore, the same evening, addressed to Admiral Cockburn the note that follows.(No. 3.) And, in the conversation which took place after the delivery of this note, it was agreed that orders would be given to restore to the owners any slaves that were received in the British camp or ships after the ratification of the treaty; and, in consequence of this understanding, orders were given to restore some slaves so situated by Admiral Cockburn; but every means were used by the inferior officers to prevent the due execution of these orders, particularly on board the Regulus, Captain Robert Ramsay, as we are informed, and as Captain Newell himself was witness to. It was at the same time indicated to us the course which would be pursued with the slaves that had repaired to the British camp or British ships, from Florida, namely: that they should be sent to Bermuda, and there confined in a ship until the decision of the British Administration was taken on their case. We have deemed it proper to communicate this as not unimportant to our own Government and our own citizens.

On the morning of the 11th an answer to our note was received, covering a list of seventy-seven negroes, a few bales of cotton, and a few horses and cattle, which were to be restored, as having been originally taken at Cumberland island, and

having remained there at the ratification of the treaty. (No. 4.)

In order to place the matter in a proper light, we the same day transmitted the following answer, which closed our joint correspondence with the Admiral. (No. 5.)

And here it is necessary, for understanding the last clause of our letter, to state what led to it. Mr. Spalding had suggested to Admiral Cockburn, after every other means had failed, his giving permission to claimants to go on board his ships in the offing, to obtain the voluntary return of their slaves; this he assented to with great willingness. He sent an officer with them, and, in the presence of ourselves, gave the most positive instruction to the officer to have every facility afforded them. This produced a return of thirteen slaves; six of Captain Wylly's, five of Mr. Couper's, one of Major Butler's, and one of Major Johnston's; and would have produced the return of hundreds, if it had not been for the means employed by the inferior officers to prevent their return. On the morning of the 13th instant, the British flag was struck at Dungeness, and, having consulted with the many respectable gentlemen with us as to the necessity of the occasion, we called upon Captain Massias for an officer and twenty-five men to be sent to Dungeness, to prevent, as far as possible, fugitive slaves still joining the British ships that were yet in the offing, and were to remain so for two or three days.

Mr. Spalding then addressed the following letter to Admiral Cockburn, and followed Captain Newell, who had already taken his departure. (No. 6.)

Having thus, sir, closed the mission with which we were charged by General Pinckney and yourself, it is important, in our opinion, that we should observe to you that, on our arrival at Dungeness, on the 6th instant, the United States' barge taken at St. Mary's was at the wharf, but was removed that evening; and we also understood that most of the cannon taken at Point Petre were removed, subsequent to the ratification of the treaty, from Cumberland. Five or six hundred negroes, brought from St. Simon's as late as the 15th February, were at Cumberland long after the ratification, and many of them sent off in the night of the day after our arrival.

In conversation with Mr. Spalding, it was admitted by Admiral Cockburn that Major Kinsman, of the marines, had continued to enter fugitive slaves into the colonial and West India regiments, after notice of the ratification of the treaty, and until he (Admiral Cockburn) had given written orders to the contrary.

Accompanying this letter, you will receive a list of such slaves as their masters have returned to us. From Mr. Hamilton, who lost two hundred and twenty odd, and from Major Butler, who lost one hundred and thirty, and from many others, whom the terror of the times had driven away, we have no returns. Nor is it to be wondered at that a thin population fled before a war which has been conducted in the spirit which this has been since January last; for it carried insurrection as its means, and, like the awful visitations of Providence, ruin has marked its course. But we state, sir, with pleasure, that the unhappy sufferers look with manly firmness to their own Government for a reparation of their injuries; and to that Government we beg leave to consign them, with a firm persuasion that they will not be disappointed in their expectations.

And we remain, sir, &c.

No. 1.

Messrs. Newell and Spalding to Admiral Cockburn.

CUMBERLAND ISLAND, *March* 6, 1815.

SIR: We are instructed by General Floyd to call upon you, and are by him authorized to receive from you any public or private property, or any slaves, that are or were in your possession at the time of the ratification of the Treaty of Peace by the President of the United States. The construction put upon this article by us is, that all private property and all slaves in your possession, whether on land or water, at the ratification of the Treaty of Peace, are to be restored. We place this construction upon the first article of the treaty, because it appears to have originated in the most amicable dispositions of both the American and British Commissioners—amicable on the part of the American Commissioners, in only demanding what might be restored without inconvenience; amicable on the part of the British Commissioners, in promising to restore all that could be restored without great inconvenience;—for we cannot persuade ourselves that the restoration of private property or slaves is to be limited to the slaves or property taken in the forts you occupied; for it must be obvious to you, sir, and it must be obvious to all, that there are no slaves, and that there is but little private property, ever taken in forts. The limitation that appears to exist in the first part of the first article of the treaty, as to such property as may remain in the forts and places in your possession, is obviously confined to artillery and other public property taken in such forts or places, and which, if once removed, would have required much trouble and much expense to restore. And this conclusion is the more obvious, from noticing that in the following part of the same article, archives, records, deeds, and papers, which are objects of easy transport, are promised to be restored, into whosesoever hands they may have fallen, or wheresoever they may have been transferred.

Begging that we may have an answer upon this subject, so deeply interesting to the inhabitants of Georgia, as soon as possible, we remain, sir, &c.

Admiral COCKBURN.

No. 2.

Admiral Cockburn to Messrs. Newell and Spalding.

HEADQUARTERS, CUMBERLAND ISLAND, *March* 7, 1815.

GENTLEMEN: I have had the honor to receive the document which you state yourselves author-

ized to assure me is a true copy of the Treaty of Peace which has been concluded between our respective Governments, and which you have been instructed to lay before me by Generals Pinckney and Floyd.

Accompanying this document, I am likewise honored with your note of this day, informing me of your being authorized to receive from me any public or private property, or slaves, to be restored by me under the first article of the aforesaid treaty, and explaining to me the construction you are pleased to put upon that article. But I only find in the certified copy you have laid before me, that "all territory, places, or possessions, taken during the war, or after signing the treaty, (excepting only as therein excepted,) shall be restored without delay, and without causing any destruction or carrying away of the artillery or other public property originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty, or any slaves or other private property." It becomes, therefore, alone necessary for me to state to you, that Cumberland island being the only place or possession taken from America in this neighborhood, which was retained by me at the date of the ratification alluded to, I shall as quickly as possible evacuate it, without causing any destruction; and I shall leave on it, or deliver to you, whatever public or private property or slaves (originally captured here) remained upon the island at the date of the ratification.

I have not the slightest reason or inclination to doubt the amicable disposition you state to have actuated the British and American Commissioners in forming this treaty. It appears, however, clear to me, by the expressions they have thought proper to adopt in it, that I am only required or authorized to make the restitution I have above stated; and I must beg to decline venturing an opinion as to whether the treaty is properly worded, according to the intentions of the Commissioners; but I apprehend, had they wished to imply (as you conceive) "that all private property and slaves in my possession, whether on land or water, were to be restored," it might have been so specified without difficulty; and although you observe there are no slaves, and but little private property ever taken in "forts," yet a continuation of the words "or places" may, perhaps, do away the difficulty which presented itself to you on that point. Therefore, gentlemen, in giving up this place, in conformity with the treaty you have done me the honor to lay before me, I must beg to be excused from entering into discussion relative to captures made elsewhere, on land or water, and which have been removed from the places where captured prior to the exchange of the ratifications of the treaty.

I have the honor to be, &c.

G. COCKBURN,
Rear Admiral.

Approved: A. COCHRANE.

Capt. NEWELL and T. SPALDING,
United States' Agents.

No. 3.

Messrs. Newell and Spalding to Admiral Cockburn.

CUMBERLAND ISLAND, *March* 10, 1815.

SIR: Your letter of the 7th is before us; and after the desire you have been pleased to express of declining all discussion of your construction of the first article of the Treaty of Peace between the United States and Great Britain, it only remains for us to call upon you for a list of the property, public or private, and the slaves "originally captured on Cumberland island," which you have declared your readiness to deliver. It is our duty to add this further and final remark, that this list will, we presume, include all slaves originally captured on the island of Cumberland, or, having come from other sections of the country, have there first fallen under the dominion of the British arms; and, particularly, that it will include all slaves and other property taken or received since the ratification of the Treaty of Peace between our respective Governments.

We remain, sir, &c.

T. NEWELL.
T. SPALDING.

Admiral COCKBURN.

No. 4.

Admiral Cockburn to Messrs. Newell and Spalding.

HEADQUARTERS, CUMBERLAND ISLAND,
March 11, 1815.

GENTLEMEN: I have the honor to acknowledge the receipt of your note of the 10th current, the first part of which obliges me to beg your reconsideration of my letter of the 7th, as, I believe, so far from declining therein "all discussion of my construction of the first article of the Treaty of Peace lately concluded between our Governments," I have quoted, *verbatim*, the major part of it, and have explicitly stated to you the line of conduct which my construction of the said article called upon me to adopt, in giving up the territory possessed by the forces under my orders.

I declined only entering into discussion respecting "captures made elsewhere, and which had been removed from the places where captured prior to the exchange of the ratifications of the treaty," such not appearing to me to come within the specified intention of the aforesaid first article of the treaty; and you will perceive by his signature added to my letter, the Commander-in-Chief of His Britannic Majesty's forces on the North American station concurs with me in this opinion.

I have herewith the honor to transmit, in compliance with your request, a list of property and slaves originally captured on Cumberland island, and which appear to have remained on it at 11 P. M. of the 17th ultimo, the period at which the ratifications were exchanged. I have the honor to be, &c.

G. COCKBURN,
Rear Admiral.

Capt. NEWELL and T. SPALDING,
United States' Agents.

A list of slaves and property to be given up with Cumberland island, in conformity with the treaty lately concluded between Great Britain and the United States.

Jacob, James Nightingale, Step, Daniel, John Miller, Harriet, Cinda, Jenny, Riva, Stephen, Peggy, Joe, Ellen, Mobeta, Leah, Betty, Stepney, George, Philly, Toby, Morris Sands, Ned Simmonds, Jacky, Phœbe Sanders, Celia, Mila, Kate, Hannah, Isaac, Die, Old Sarah, Die, Bob, Jenny, Lucy, Maria, Alfred, Sarah, Priscilla, Scipio, Bella, Jemmy, Jolly, Morris, Prime, Tom, Oscar, Andrew, Clarissa, Mary, Morris, Frank, Zak, Hetty, Bina, Kitt, Jacky, July, George, Frank, Lucy, Moll, Harry, Jack, Hesther, Sally, Monday, alias Lorenzo, Smart, James Herriott, Parling, Alexander Delony, Jack, Betty, Nanny, Betty, William Parling, and Sancho.

Twenty-two bales of cotton, a number of horses and mules, and some horned cattle.

G. COCKBURN, *Rear Admiral.*

No. 5.

Messrs. Newell and Spalding to Admiral Cockburn.

CUMBERLAND ISLAND, *Mar.* 11, 1815.

SIR: We have to acknowledge the receipt of your note of the 11th instant, containing a list of slaves and other property which had been originally found on Cumberland island, and which were remaining on the island at the ratification of the Treaty of Peace by the President. Against this construction of the first article of the Treaty of Peace we must still protest; and we must still contend, sir, that all the property and all the slaves that were on Cumberland island, or in the rivers and waters adjacent to the same, at the ratification of the treaty, in the spirit of amity in which that article was concluded, should have been restored; and this construction of the first article of the treaty was the more important to the people of the United States, as a great proportion of the property taken, and a great proportion of the slaves received, were sent from the waters of the United States, or from the island of Cumberland, as late as between the period of the 2d and the 5th of March, and no inconsiderable number of slaves have been sent on board your shipping in the offing, even since we have had the honor of addressing to you our first note, of the 7th instant. But, sir, to have pressed our construction of the treaty after your letter had been approved of by the Commander-in-Chief, (Sir Alexander Cochrane,) and he had retired from the station, would have been something more than useless. We have then, sir, no alternative but to prefer this affair to our Government. We cannot, however, conclude this correspondence without acknowledging the pleasure we feel at the facilities which you have offered to all claimants of slaves to obtain their voluntary return—facilities which, we are sensible, would have been productive of more effect had more time been allowed to operate.

And we are, sir, &c. T. NEWELL,
T. SPALDING.

Admiral COCKBURN.

No. 6.

Mr. Spalding to Admiral Cockburn.

CUMBERLAND ISLAND, *March* 13, 1815.

SIR: It is with much regret I have to state that of the slaves which you have ordered to be restored, as having joined the British forces under your command, after the ratification of the Treaty of Peace by the President of the United States, several of them, now on board the Regulus, Captain Ramsey, have not been delivered. These slaves are two of Mr. Armstrong's, (January and Mary Stubs,) one of the slaves of Mr. Miller, and the four of Mr. Copp, which were yesterday directed to be given up. I have to add, that two of the three slaves delivered up to Mr. Armstrong, the very night they returned home made their escape, and will unquestionably attempt to reach your ships. I must therefore request that any of the above persons that can be found, or any other slaves that may join your fleet, from the United States, before they quit this station, may be delivered over to Captain Massias, at Point Petre, or to his officer at Dungeness. I am, sir, respectfully, &c.

T. SPALDING.

Admiral COCKBURN, *Albion.*

D.

Extract of a letter from Thomas Spalding, Esq., to the Secretary of State.

ST. GEORGE'S, (BERMUDA,) *May*, 1815.

We sailed from Savannah on the 10th of May, and arrived on the 19th at Bermuda. While I was yet doubtful whether to apply to Governor Cockburn, of the Bermudas, (as I soon understood there were but few American slaves remaining in his Government, except what were in the naval arsenal at Ireland, and under the control of the naval commander,) I received from Admiral Griffith, through a lieutenant of the British navy, an intimation that he was desirous of seeing the agent who was understood to have arrived from the United States to make some demand of slaves and property. I waited, therefore, upon the Admiral on the 20th instant, and found him very sick. I presented to him General Pinckney's authority, purporting to be derived from the President of the United States. He received me politely, appeared to me to be a mild and gentlemanly man; expressed much regret at the circumstance that led to the necessity of making this demand, but declared his inability to afford any relief; confirmed to me what I had before learned, of most of the slaves having been sent to Halifax. He desired me, to-morrow, to address him in writing; that he would transmit my communication to his Government, which was all that was in his power; spoke something of giving me facilities on board of his ships to see and obtain the voluntary return of slaves. Finding that he was ill, and much exhausted, I took my leave, and promised to address him a letter as soon as I could prepare one.

Governor Sir James Cockburn arrived at St.

George's on Saturday evening, and on Monday, the 22d, at an early hour, I called upon him, still undetermined in my own mind whether to make my application to him on the subject of my mission or not, until I knew, at least, that there was something in his power to grant worth asking for. I, however, as I believed it to be my duty, in the event of having something to request, presented to him General Pinckney's letter of authority. He instantly lost his temper; denied my authority contained in that letter; declared he would receive nothing from any one but the Secretary of State. After giving such explanations as I believed to comport with my duty, I found his irritation increased rather than diminished. He would not permit me to proceed to detail any of the reasons for my mission, though very ready, as he said he was bound in candor to do, to declare against the American interpretation of the first article of the treaty; and vehemently added, that he would rather Bermuda, and every man, woman, and child in it, were sunk under the sea, than surrender one slave that had sought protection under the flag of England. I could add more in this spirit, but more is not necessary. I withdrew from the Governor, and transmitted my letter, which was then ready, to the Admiral, and which is enclosed, (No. 1.)

I noticed the Governor came down to the wharf within a few moments after my leaving him, and embarked in a boat. I was then apprehensive the Admiral's communications would change their complexion; and this I found to be too true, as the enclosed letter, (No. 2,) which I received late on Tuesday, the 23d, will show.

No. 1.

Mr. Spalding to Rear Admiral Griffith.

St. George's, Bermuda, *May* 22, 1815.

Sir: I am appointed by the President of the United States the agent, and instructed by him to proceed in the first place to Bermuda, and from thence to any other of the colonies of His Britannic Majesty, for the purpose of demanding the restoration of all public or private property, and particularly of all slaves, which have been taken from the United States after the ratification of the treaty, in contravention (as my Government conceives) of the first article.

It is not my desire, nor is it the desire of my Government, to enter into any discussion on the justice or policy of taking private property, or of receiving slaves during the continuation of the war; but that war having terminated happily for both nations, in peace, the object of that peace unquestionably is to heal the wounds that the hand of war has inflicted. To do this effectually, there must certainly be on both sides a liberal and enlightened construction of every article of the treaty; but, above all, of that article in which individual as well as national right is concerned. I will now beg leave to invite your attention to the words of the first article of the treaty; which are—

"That all territory, places, and possessions whatsoever, taken from either party during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery or other public property originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty; or any slaves or other private property."

After a careful perusal of this article, it very naturally and forcibly occurs to the mind that this article contains two separate and distinct principles—a restoration of public property; a restitution of private property; that there is a manner of restitution liberal and enlightened; there is a manner of restitution illiberal and unfriendly, which the British Commissioners, in the spirit of amity which dictated this article, were determined to guard against, by saying, "that all territory, places, and possessions, taken during the war, should be restored without delay, and without causing any destruction, or carrying away any artillery or other public property, which shall remain therein after the exchange of the ratifications of this treaty." These conditions can, from their nature, have no relation to private property; they cannot be applied to it but by a strange perversion of language, and, by being so applied, the whole quality of the article becomes changed; and instead of being liberal and friendly, becomes limited, illiberal, and unfriendly.

The Government of the United States was, therefore, greatly surprised to find that on a demand, at the Chesapeake, at Cumberland island, and in Louisiana, of public or private property, or slaves that were remaining within the limits of the United States at the ratification of the Treaty of Peace, the commanding officers everywhere adopted the extraordinary principle, that if either public or private property, or slaves, were removed a single mile from the place of capture, they were not restorable, though still within the limits of the United States; though even under the eye of the Commissioners who were instructed at the several points to demand the restoration, and, in many instances, in the presence of the original proprietors, many days after the ratification of the treaty had been notified to the officers commanding. Public and private property and slaves were shipped in a period of restored peace, in many instances to the ruin of the beholders, from the limits of the United States, because, as the commanding officers said, "the property or slaves were not taken at the particular point which the British forces occupied at the moment of the ratification of the treaty." So that all that was necessary to make the first article of the treaty, as far as regarded private property or slaves, a complete nullity, as the British commanders were morally certain of receiving the earliest intimation of the contents of the treaty, they had only to draw in their outposts, and to contract their limits to points where no property and few slaves had been taken. This

was conspicuously the case in Georgia. Much property was taken at St. Mary's, and some negroes; at St. Simon's some cotton and other property, and many hundred slaves; from St. Simon's the British forces were withdrawn but four days before the ratification of the treaty, and two hundred British troops occupied St. Mary's for a day and a night even after the ratification of the treaty. Yet, sir, because these two places had not remained in the uniform possession of the British forces to the very moment of the ratification, all the property and all the slaves taken at either, and placed in deposite at Cumberland, were considered without the pale of its operation. Here I flatter myself I might rest, with assurance of your according in the justice of the construction which the Government of the United States has given to the first article of the treaty, in expecting that all public or private property, or slaves, which had been taken or received by the British forces during the war, and which remained within the limits of the United States at the ratification of the Treaty of Peace, whether on the land or within the acknowledged waters, would be restored.

But, not to be wanting to myself, and not to be wanting to my Government, I must reluctantly trespass upon your time while I enforce the distinction I drew in the first part of my letter, between public property, to which the limitation in the first article of the treaty relates, and which enlarges and liberalizes its operation, and its application to slaves and private property, which would limit and make null its operations.

There may be, and often is, a strong motive for destroying public, when there can be none for destroying private property. It frequently happens, in surrendering territory by a treaty of peace, that the party withdrawing stipulates a right to destroy the fortifications in its possession, and to carry away or destroy the artillery and munitions of war in them; but it is believed that no example can be found of a stipulation to authorize the destruction of private property of any kind, especially slaves. Equally strange would a stipulation be not to destroy them.

The terms of the article preserve this distinction between public and private property in a guarded manner.

All territory, places, and possessions, (with a particular exception,) shall be restored, without destroying or carrying away any of the artillery or other public property, originally captured in the said forts or places, and which remain there upon the exchange of ratifications. So far, the stipulation acts upon proper subjects, and conforms to usage. Extend it to slaves and other private property, and how inconsistent and unnatural the application! Had it been intended to put slaves and other private property on the same ground with artillery and other public property, the terms "originally captured in the said forts or places, and which shall remain therein on the exchange of the ratifications of this treaty," would have followed at the end of the sentence after "slaves and other private property." In that case, both interests, the public and the private, would have been subject to the same restraint. But, by separating them from each other, and putting the restrictive words immediately after "artillery and other public property," it shows that it was intended to confine their operation to those objects only, excluding from it "slaves and other private property."

I will now close my letter to you by stating, that at the ratification of the Treaty of Peace, on the 17th of February, forty thousand dollars worth of cotton, tobacco, rice, other produce, and other goods, were on Cumberland island, or in the ship Countess Harcourt and others, taken at St. Mary's and in its vicinity; and that those ships lay at that time in the Cumberland river, within a short distance of the shore; that the Countess Harcourt and the ship Maria Theresa had taken refuge in His Catholic Majesty's province of East Florida; they depended upon the neutrality of their situation for protection, and made no resistance; that about seven hundred out of seven hundred and thirty negroes that joined the British forces from Georgia were on Cumberland island, or in the ships so taken and then lying in Cumberland river. The first of these negroes, excepting a few that had departed in ships of war, left the United States in the Countess Harcourt on the 19th of February; that many hundreds of them left Cumberland island on the night of the 6th of March, and after I had had myself the honor of demanding them, on the part of the United States, from Admiral Cockburn. I have not yet been furnished by my Government with a list of slaves or private property that were either at Tangier island or in Louisiana, liable to restitution under the first article; but from the public papers we are assured of the fact, and a few days will put me in possession of the necessary evidence of the property and slaves so situated. The documents in support of the facts in relation to the property and slaves from Georgia, I shall be ready at any time to present to you.

And I beg you, sir to believe that, if in any part of this letter I have used strong language, it is far from my intention to offend, for I feel fully assured my Government rejoices at the restoration of the relations of peace, and fondly hopes that neither time nor circumstance will again alienate two nations that manners, and customs, and language, and mutual interest should unite.

I am, &c.

THOMAS SPALDING, *Agent U. S.*

Rear Admiral GRIFFITH, &c.

No. 2.

Admiral Griffith to Mr. Spalding.

HIS MAJESTY'S SHIP BULWARK,
Bermuda, May 23, 1815.

SIR: I have to acknowledge the receipt of your letter of the 22d instant, informing me that you are appointed by the President of the United States the agent, and instructed by him to proceed, in the first place, to Bermuda, and from thence to any other of the colonies of His Bri-

tannic Majesty, for the purpose of demanding the restoration of all public or private property, and particularly of all slaves who have been taken from the United States after the ratification of the treaty, in contravention (as your Government conceives) of the first article.

Had I felt myself authorized or qualified to enter into a discussion of the several topics your letter embraces, it would, in the first place, have been my duty to call upon you to produce the authority under which you have come to these islands on a mission of this public nature; for I presume, as you state your appointment to be by the President of the United States, that the letter you put into my hand when I had the pleasure of seeing you the day before yesterday, (and which, if I recollect right, was signed "Pinckney," who you informed me was a Major General in the service of the United States,) is not the only authority you are in possession of. However, sir, it is quite unnecessary to take this preliminary step, for the subject of your letter appearing to me more properly to belong to our respective Governments to discuss, than to the officers, military or naval, of either, the regular channel through which to make any applications of the nature of those alluded to in it I should suppose would be the British Minister resident in the United States. Be this, however, as it may, I consider it entirely out of my province to enter into either negotiation or discussion with you on them; and the more so, from having learned, since you called upon me, that the subject of your mission to these islands had been fully discussed between Rear Admiral Cockburn (before he left the coast of Florida) and Commissioners appointed by the Government of the United States; and that all persons then in possession of the British, who could possibly be considered as coming within the most liberal construction of the treaty, had been restored; and that the rear admiral's conduct and decisions had been fully approved by the late Commander-in-Chief, Sir Alexander Cochrane, at Cumberland island.

I shall not fail to transmit your letter to my Government; and it might, at the same time, be satisfactory for a copy of the authority under which you have come to these islands to accompany it, should you think proper to furnish me with one.

I need scarcely observe that it will be a loss of time your waiting here for the documents alluded to in the last paragraph but one of your letter, or visiting any other British islands or settlements for the purposes set forth in your said letter; for I can venture to assure you that there is not any authority at either competent to deliver up persons who, during the late war, placed themselves under the protection of the British flag, or property which may have been captured during the continuance of hostilities.

I am, sir, &c.

EDWARD GRIFFITH,
Rear Admiral, &c.

THOMAS SPALDING, Esq.

E.

Extract of a letter from Mr. Adams to the Secretary of State, dated at

LONDON, *June* 23, 1815.

I further observed that the British Admiral stationed in the Chesapeake had declined restoring slaves that he had taken, under a construction of the first article of the treaty which the Government of the United States considered erroneous, and which I presumed this Government would likewise so consider; that a reference to the original draught of the British projet, and to an alteration proposed by us and assented to by the British Plenipotentiaries, would immediately show the incorrectness of this construction. He said he thought it would be best to refer this matter to the gentlemen who were authorized to confer with us on the subject of a treaty of commerce. He asked me if Mr. Clay and Mr. Gallatin had communicated to me what had passed between them and this Government on that head. I said they had. After inquiring whether I was joined in that commission, he said that the same person had been appointed to treat with us who had concluded with us the Treaty at Ghent, and that Mr. Robinson, the Vice President of the Board of Trade, had been added to them. They had already had some conferences with Messrs. Clay and Gallatin, and their powers were now made out and ready for them to proceed in the negotiation.

Extract of a letter from Mr. Adams to the Secretary of State, dated at

LONDON, *August* 15, 1815.

SIR: The departure of Mr. Bagot having been some time delayed, and the private accounts from the United States received here indicating the actual continuance of Indian hostilities on the Mississippi and Missouri, I have thought it my duty, by an official communication to this Government, to press for the surrender of Michilimackinac, and to apprize them that payment would be claimed for the value of the slaves carried away in contravention of the first article of the Treaty of Ghent. I have the honor to enclose, herewith, a copy of my letter to Lord Castlereagh on this occasion. I had mentioned to him the subject of the slaves in my first interview, and he had then expressed an intention to refer it to the Commissioners with whom we were then negotiating the commercial convention; but they received no instructions relative to it, and considered their powers as limited to the objects upon which my colleagues were authorized conjointly with me to treat.

Extract from Mr. Adams's letter to Lord Castlereagh, dated

AUGUST 9, 1815.

MY LORD: In two several conferences with your Lordship, I have had the honor of mentioning the refusal of His Majesty's naval commanders, who, at the restoration of peace between the United States

and Great Britain, were stationed on the American coast, to restore the slaves taken by them from their owners in the United States during the war, and then in their possession, notwithstanding the stipulation in the first article of the Treaty of Ghent that such slaves should not be carried away. Presuming that you are in possession of the correspondence on this subject which has passed between the Secretary of State of the United States and Mr. Baker, it will be unnecessary for me to repeat the demonstration that the carrying away of these slaves is incompatible with the terms of the treaty. But as a reference to the documents of the negotiation at Ghent may serve to elucidate the intentions of the contracting parties, I am induced to present them to your consideration, in hopes that the Minister of His Majesty, now about to depart for the United States, may be authorized to direct the restitution of the slaves conformably to the treaty, or to provide for the payment of the value of those carried away contrary to that stipulation, which, in the event of their not being restored, I am instructed by my Government to claim.

The first projet of the Treaty at Ghent was offered by the American Plenipotentiaries, and that part of the first article relating to slaves was therein expressed in the following manner:

"All territory, places, and possessions, without exception, taken by either party from the other during the war, or which may be taken after the signing of this treaty, shall be restored without delay, and without causing any destruction, or carrying away any other public property; or any slaves or other private property.

The projet was returned by the British Plenipotentiaries with the proposal of several alterations, and, among the rest, in this part of the first article, which they proposed should be so changed as to read thus:

"All territory, places and possessions, without exception, belonging to either party, and taken by the other during the war, or which may be taken after the signing of this treaty, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery or other public property, or any slaves or other private property, originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty."

It will be observed, that in this proposal, the words "originally captured in the said forts or places, and which shall remain therein upon the ratifications of this treaty," operated as a modification of the article as originally proposed in the American projet. Instead of stipulating that no property, public or private, artillery or slaves, should be carried away, they limited the prohibition of removal to all such property as had been originally captured in the forts and places, and should remain there at the exchange of the ratifications. They included within the limitation private as well as public property; and had the article been assented to in this form by the American Plenipotentiaries, and ratified by their Government, it would have warranted the construction which the British commanders have given to the article as it was ultimately agreed to, and which it cannot admit; for, by a reference to the protocol of conference held on the 1st of December, 1814, there will be found among the alterations to the amended projet, proposed by the American Plenipotentiaries, the following:

"Transpose alterations consisting of the words 'originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty,' after the words public property."

"Agreed to by the British Plenipotentiaries."

It thus appears that the American Plenipotentiaries admitted, with regard to artillery and public property, the limitation which was proposed by the British projet, but that they did not assent to it with regard to slaves and private property; that, on the contrary, they asked such a transposition of the words of limitation as would leave them applicable only to artillery and public property, and would except slaves and private property from their operation altogether; that the British Plenipotentiaries and Government, by this proposed transposition of the words, had full notice of the views of the other contracting party, in adhering to the generality of the prohibition to carry away slaves and private property, while acquiescing in a limitation with respect to artillery and public property. With this notice, the British Government agreed to the transposition of the words; and accordingly, that part of the article as ratified by both Governments now stands thus:

"All territory, places, and possessions whatsoever, taken by either party from the other during the war, or which may be taken after the signing of this treaty, excepting only the island hereinafter mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery or other public property, originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty; or any slaves or other private property."

From this view of the stipulation, as originally proposed at the negotiation at Ghent, as subsequently modified by the proposals of the respective Plenipotentiaries, and as finally agreed to by both the contracting parties, I trust it will remain evident, that, in evacuating all places within the jurisdiction of the United States, and in departing from their waters, the British commanders were bound not to carry away any slaves, or other private property of the citizens of the United States, which had been taken on their shores. Had the construction of the article itself been in any degree equivocal, this statement of the manner in which it was drawn up would have sufficed to solve every doubt of its meaning. It would also show that the British Plenipotentiaries were not unaware of its purport, as understood by those of the United States, and as I am instructed to urge its execution.

J. Q. ADAMS.

Lord Castlereagh.

Extract of a letter from Mr. Adams to the Secretary of State, dated

August 22, 1815.

Referring, then, to the contents of my letter of the 9th instant to Lord Castlereagh, which he had seen, I told him (Lord Liverpool) that, having expected Mr. Bagot was on the eve of his departure, I had been anxious that he might go provided with instructions which might give satisfaction to the Government of the United States with regard to the execution of two very important stipulations in the Treaty of Ghent. He said that, as to the surrender of Michilimackinac, there could be no sort of difficulty. The orders for its evacuation had been long since given. It was merely the want of barracks for their troops that had occasioned a momentary delay, and he had no doubt that the fort had been before this delivered up. There never had been for a moment the intention, on the part of the British Government, to retain any place which they had stipulated to restore. But, with respect to the slaves, they certainly construed very differently from the American Government the stipulations relating to them. They thought that it applied only to the slaves in the forts and places which, having been taken during the war, were to be restored at the peace. I said that, independent of the construction of the sentence which so strongly marked the distinction between the artillery and public property, and slaves and private property, the process by which the article had been drawn up, demonstrated, beyond all question, that a distinction between them was intended and understood by both parties. The first projet of the treaty had been presented by us. This had been required, and even insisted upon by the British Plenipotentiaries. The article was, therefore, drawn up by us, and our intention certainly was to secure the restoration both of the public and private property, including slaves, which had been in any manner captured on shore during the war. The projet was returned to us with a limitation upon the restoration of the property, whether public or private, to such as had been in the places when captured, and should remain there at the time of the evacuation. We assented to this so far as regards artillery and public property, which, by the usages of war, is liable to be taken and removed, but not with regard to private property and slaves, which we thought should, at all events, be restored, because they ought never to have been taken. We, therefore, proposed the transposition of the words, as stated in my letter to Lord Castlereagh. The construction upon which the British commanders have carried away the slaves would annul the whole effect of the transposition of the words. Artillery and public property had, of course, been found, and could, therefore, be restored almost or quite exclusively in the forts or places occupied by troops. But there was not, perhaps, a slave to carry away in all those which were occupied by the British when the treaty was concluded; and to confine the stipulation relating to slaves within the same limits as those agreed to with regard to public property, would reduce them to a dead letter. He said that perhaps the British Plenipotentiaries had agreed to the transposition of the words there at Ghent, without referring to the Government here; and that, although the intention of the parties might be developed by reference to the course of the negotiations, yet the ultimate construction must be upon the words of the treaty as they stood. He would see Mr. Goulburn, and inquire of him how they understood this transposition; but certainly, for himself, (and he could speak for the whole Government here,) he had considered them only as promising not to carry away slaves from the places which were occupied by their forces, and which they were to evacuate. There were, perhaps, few or no slaves in the places then occupied by them, but there was a probability, at the time when the treaty was signed, that New Orleans and other parts of the Southern States might be in their possession at the time of the exchange of the ratifications. If they had understood the words to imply that persons who, from whatever motive, had taken refuge under the protection of the British forces, should be delivered up to those who, to say the least, must feel unkindly towards them, and might treat them harshly, they would have objected to it. Something else (he could not say what) would have been proposed. I said I had referred to the progress of the negotiation and the protocol of conferences, only as confirming what I thought the evident purport of the words of the treaty. To speak in perfect candor, I would not undertake to say that the British Plenipotentiaries had taken a view of the subject different from that of their Government; but certainly we had drawn up the article without any anticipation that New Orleans or other Southern ports, not then in their possession, would, at the ratification of the treaty, be occupied by them. Our intentions were to provide that no slaves should be carried away. We had no thought of disguising or concealing those intentions.

Had the British Plenipotentiaries asked of us an explanation of our proposal to transpose the words, we should certainly have given it; we evidently had an object in making the proposal, and we thought the words themselves fully disclosed it. Our object was the restoration of all property, including slaves, which, by the usages of war among civilized nations, ought not to have been taken. All private property on shore was of that description. It was entitled, by the laws of war, to exemption from capture. Slaves were private property. Lord Liverpool said that he thought they could not be considered precisely under the general denomination of private property; a table or a chair, for instance, might be taken and restored without changing its condition, but a living and human being was entitled to other considerations. I replied that the treaty had marked no such distinction; the words implicitly recognised slaves as private property in the article alluded to—"slaves or other private property." Not that I meant to deny the princi-

ple assumed by him: most certainly a living, sentient being, and still more a human being, was to be regarded in a different light from the inanimate matter of which other private property might consist. And if, on the ground of that difference, the British Plenipotentiaries had objected to restore the one while consenting to restore the other, we should readily have discussed the subject; we might have accepted or objected to the proposal they would have made. But what could that proposal have been? Upon what ground could Great Britain have refused to restore them? Was it because they had been seduced away from their masters by the promises of British officers? But had they taken New Orleans, or any other Southern city, would not all the slaves in it have had as much claim to the benefit of such promises as the fugitives from their masters elsewhere? How, then, could the place, if it had been taken, have been evacuated according to the treaty, without carrying away any slaves, if the pledge of such promises was to protect them from being restored to their owners? It was true, proclamations inviting slaves to desert from their masters, had been issued by British officers. We considered them as deviations from the usages of war. We believed that the British Government itself would, when the hostile passions arising from the state of war should subside, consider them in the same light; that Great Britain would then be willing to restore the property, or to indemnify the sufferers by its loss. If she felt bound to make good the promises of her officers to the slaves, she might still be willing to do an act of justice by compensating the owners of the slaves for the property which had been irregularly taken from them. Without entering into a discussion which might have been at once unprofitable and irritating, she might consider this engagement only as a promise to pay to the owners of the slaves the value of those of them which might be carried away. Lord Liverpool manifested no dissatisfaction at these remarks, nor did he attempt to justify the proclamation to which I particularly alluded.

Extract of a letter from Mr. Adams to Mr. Monroe, dated

LONDON, *September* 5, 1815.

In compliance with your instructions, I have this day addressed Lord Castlereagh, claiming payment from the British Government for the slaves carried away from Cumberland island and the adjoining waters, after the ratification of the Treaty of Peace, and in contravention to one of the express stipulations of that treaty.

My preceding despatches, Nos. 9 and 10, will have informed you of the steps I had taken by an official letter to Lord Castlereagh, and by a personal interview with the Earl of Liverpool, in relation to this subject, previous to the receipt of your last instructions. The letter to Lord Castlereagh has hitherto remained unanswered, and Lord Liverpool made no attempt to answer either the reasoning of your letter on the subject to Mr. Baker, or the statement of the proof with regard to the meaning of the article, resulting from the manner in which it had been drawn up and agreed to. The substance of what he said was, that, in agreeing to the article as it stands, they had not been aware that it would bind them to restore the slaves whom their officers had enticed away by promises of freedom.

The case of these slaves, carried away from Cumberland, seems not even to admit of the distinction to which Mr. Baker and Lord Liverpool resorted: yet the prospect of obtaining either restoration or indemnity appears to be not more favorable in this case than many others of the same class. If there were any probability that this Government would admit the principle of making indemnity, it would become necessary for me to remark that the list of slaves transmitted to me, and of which I have sent to Lord Castlereagh a copy, is not an authenticated document; it is, itself, merely a copy of a paper, under the simple signature of two persons, one of them an officer in the service of the United States, and the other apparently a private individual. It can scarcely be expected that the British Government, or, indeed, any other, would grant a large sum of indemnities upon evidence of this description. Neither could I feel myself prepared to bargain for the value of these slaves, according to a general conjectural estimate of their value. I have made the offer, under the full conviction that it will not be accepted. But if indemnity should ever be consented by this Government to be made, the claims are of a nature to be settled only by a Board of Commissioners, authorized to scrutinize, in judicial forms, the evidence in support of them. I have also thought it would give a further sanction to the claim, to advance it while offering still to this Government the alternative of restoring the slaves themselves.

Mr. Adams to Lord Castlereagh.

LONDON, *Sept.* 5, 1815.

MY LORD: In the letter which I had the honor of addressing to your lordship on the 9th of August last, I stated that I had been instructed by my Government to claim the payment of the value of the slaves carried away from the United States by the British naval commanders stationed on the American coast, notwithstanding the express stipulation to the contrary in the first article of the Treaty of Ghent, in the event that such slaves should not be restored to their owners.

The enclosed is a copy of a list of seven hundred and two slaves taken in the State of Georgia by the forces under the command of Rear Admiral Cockburn, and carried away after the ratification of the Treaty of Peace from Cumberland island, or the waters adjacent to the same, which has been transmitted to me by the Secretary of State of the United States, with a new instruction to claim the indemnity justly due to the owners, to the full value of each slave. Should His Majesty's Government now prefer to restore the slaves, who must yet be in their pos-

session or that of their officers, it is presumed to be still practicable; but their removal having been in contravention of the express stipulation of the treaty, it is to the faith of Great Britain, pledged by that stipulation, that the United States can alone recur for indemnification to the owners for the loss of their property, if the slaves are not restored.

If it should be deemed expedient rather to make this compensation than to restore the slaves to their owners, I am authorized to enter into such arrangements as may be thought proper for ascertaining the amount of the indemnity to be made, and settling the manner in which it may be allowed.

I have the honor to be, &c.,

JOHN QUINCY ADAMS.

Lord Viscount CASTLEREAGH, &c.

Extract of a letter from Mr. Adams to Mr. Monroe, dated

LONDON, *Sept.* 26, 1815.

I have not yet received any answer to either of those which I addressed to Lord Castlereagh in relation to the slaves carried away in violation of the first article of the Treaty of Ghent.

Copy of a letter from Mr. Adams to Lord Bathurst.

25 CHARLES STREET,
Westminster, October 7, 1815.

MY LORD: The documents of which I have now the honor of enclosing to your lordship copies, have been transmitted to me from the Government of the United States, with instructions to apply to that of His Majesty for the restitution of the slaves referred to in them, or for indemnity to their proprietor, Raleigh W. Downman, for the loss of them. In the cases which I have heretofore presented to the consideration of His Majesty's Government, and concerning which I am yet waiting for the honor of an answer, I have deemed it sufficient to state, in support of the documents furnished, the simple fact of the taking and carrying away of the slaves, and the appeal to the plain and explicit stipulation in the Treaty of Ghent, which has been thereby violated. But, in addition to these grounds of claim, it cannot escape your lordship's discernment, that in the present case there are circumstances which entitle it to peculiar regard, independent of the engagement in the treaty—these slaves having been taken and carried away by a British officer, while himself under the special and solemn protection of a flag of truce. The transaction, therefore, was in the nature of a breach of parole; marked not only with the exceptionable characters of depredation upon private property, but with the disregard of that sacred pledge of peace which is tacitly and universally understood to be given by the assumption of a flag of truce. To prescribe the restitution of property thus captured, no express stipulation could be necessary; yet the stipulation of the treaty applies likewise to the present claim in all its force. I am induced to hope it will meet with the immediate attention of His Majesty's Government.

I am happy to avail myself of the occasion to renew to your lordship the assurance of my highest consideration.

JOHN QUINCY ADAMS.

Copy of a note from Lord Bathurst to Mr. Adams.

FOREIGN OFFICE, *Oct.* 9, 1815.

Earl Bathurst presents his compliments to Mr. Adams, and has the honor to inform him that His Majesty's Government will cause immediate inquiry to be made in the case of the slaves carried away by the officer of the flag of truce, as represented in Mr. Adams's note of the 7th instant.

Lord Bathurst requests Mr. Adams will accept the assurance of his high consideration.

Copy of a letter from Mr. Adams to the Secretary of State, dated

OCTOBER 31, 1815.

SIR: I have the honor to enclose copies of two papers received from Lord Bathurst, relative to the taking and carrying away of slaves from the United States by the British naval commanders, in violation of the first article of the Treaty of Ghent, and also by an abuse of the privileges allowed to a flag of truce.

I have the honor to be, &c.,

JOHN QUINCY ADAMS.

Copy of a note from Lord Bathurst to Mr. Adams, dated

FOREIGN OFFICE, *Oct.* 24, 1815.

The undersigned, one of His Majesty's principal Secretaries of State, has the honor to acknowledge the receipt of Mr. Adams's letter of the 7th instant, with the documents therein contained, relating to eleven slaves, the property of Raleigh W. Downman, an American, stated to have been received on board and carried off in a flag of truce sent by Captain Barrie (when senior officer in the command of the British flotilla up the Rappahannock) to procure the release of a surgeon's assistant who had been made prisoner.

The undersigned has the honor to acquaint Mr. Adams, that Captain Barrie having been referred to, without loss of time, for such particulars as he might be enabled to give upon this subject, a statement to the following effect has been received from that officer, which the undersigned hastens to communicate to Mr. Adams.

Captain Barrie has not any documents with him to which he can refer, but he feels confident that he may trust to his memory on this occasion.

The letters marked A and B, transmitted by Mr. Adams, Captain Barrie believes to be copies of those which passed between the American commanding officer and himself.

He is certain that he never received the letter marked D, a copy of which is transmitted in Mr. Adams's letter, and has no recollection of any slaves ever having been received on board any flag of truce during the time he was intrusted

with the command of the Chesapeake squadron; if such a circumstance did occur, it was without his knowledge or authority. Had such an event fallen under Captain Barrie's cognizance, he would (if the slaves had forcibly been taken from the shore) instantly have ordered them to be restored, and the officer so offending into confinement, till he could be brought to trial; if, however, the slaves had voluntarily sought British protection, and had once obtained a footing under the British colors, he should not have taken upon himself to allow them to be forced back into slavery, but should have waited the directions of the Commander-in-Chief. During the two winters that Captain Barrie was employed as senior officer in the Chesapeake, the slaves were constantly escaping from the shore, and joining the British ships; on these occasions their general practice was to show something to represent the white flag, and Captain Barrie thinks it not improbable (if any slaves were received on board the Franklin) that they may have escaped in the canoe, and have themselves hoisted the flag which has been sworn to.

Before the surgeon's mate was restored, Admiral Cockburn had arrived in the Chesapeake; and, if the letter D had ever reached the Admiral, Captain Barrie is of opinion it certainly would have been communicated to him.

Captain Barrie states that the masters of the slaves very frequently came off to the ships to claim them; on which occasions he uniformly left it to the slaves whether they would remain under British protection or return to their masters, and even allowed the masters to converse with their slaves apart from the ship's company.

The violation of a flag of truce was a very tender subject with Captain Barrie at the period in question, for he had a short time previous been engaged in correspondence with the commanding officer of the United States forces at Norfolk on want of respect paid to British flags of truce; one of his small four-oared boats, unarmed, with a large new white flag flying, having been wantonly fired on in open day, though the boat was proceeding to the place where the Americans had previously arranged that flags of truce should be received. One of Captain Barrie's men was killed when the boat was receding from the shore, with the flag of truce still flying. The boat was employed to land the servant of the Russian Secretary of Legation, who was on board the Dragon, waiting a passage to Europe. Captain Barrie remarks on Downman's memorial, that, till after the peace, a squadron was constantly in the Chesapeake; and that, though the Dragon had sailed, the letter D, if then in existence, could easily have been presented to the senior officers, either at Tangier island or Symhan bay. The Franklin (the vessel stated to have carried off the slaves) remained in the bay with the ship she was manned from—the Havana.

The undersigned trusts that, after a perusal of the above statement on the part of Captain Barrie, Mr. Adams will concur in the opinion that some mistake exists with respect to the conduct imputed to that officer. But the undersigned has the honor to acquaint Mr. Adams, that, in order to ascertain, as well as possible, the real state of the transaction, a communication will be made forthwith to Admiral Cockburn, for the purpose of obtaining further information upon the subject, with which he must have been acquainted, as it appears that he had arrived in the Chesapeake before the surgeon's mate was restored.

The undersigned requests Mr. Adams will accept the assurances of his highest consideration.

BATHURST.

Copy of a note from Lord Bathurst to Mr. Adams, dated

FOREIGN OFFICE, *Oct.* 24, 1815.

The undersigned, one of His Majesty's principal Secretaries of State, has had the honor to receive Mr. Adams's letters of the 9th of August and 5th of September last; the first of which recites the first article of the Treaty of Ghent, and requires "that His Majesty's naval commanders, who, at the restoration of peace between the United States and Great Britain, were stationed on the American coast, should restore the slaves taken by them from their owners in the United States during the war, and then in their possession." This claim is set up in consequence of the following interpretation which is given to the first article of the said treaty by the Government of the United States, in as far as it relates to slaves and private property, namely: "That, in evacuating all places within the jurisdiction of the United States, and in departing from their waters, the British commanders were bound not to carry away any slaves, or other private property of the citizens of the United States, which had been taken upon their shores;" and it takes its origin from a different construction of the same article of the treaty by His Majesty's naval officers on the coast of America, who (according to Mr. Monroe's letter to Mr. Baker of the 1st of April) contend that "slaves and other private property are comprised under the same regulation with artillery and other public property; and that none ought, in consequence, to be restored, except such as were, at the time of the exchange of the ratifications of the treaty, in the forts and places where they were originally taken."

The arguments brought forward by the American Government in support of their understanding of the first article of the Treaty of Ghent rest partly upon such collateral evidence as may be deduced from the intention of the negotiators at the time they drew up that article. The undersigned need not remind Mr. Adams of the inconvenience which would result, were the parties upon whom treaties are binding to recur to the intentions of the negotiators of such treaty, instead of taking as their guide the context of the treaty itself on any point of controversy respecting it.

The undersigned is, however, willing to waive this objection. In this instance, it would appear that the alteration in the original article proposed

by the British Commissioners was introduced by a verbal amendment suggested by the American Plenipotentiaries. Many alterations of this kind took place, sometimes at the suggestion of one party, and sometimes of the other; but it surely is not meant to be inferred from this that a change of phrase, professedly verbal, is to be taken as necessarily denoting or importing an admitted change of construction. It is certainly possible that one party may propose an alteration with a mental reservation of some construction of his own, and that he may assent to it on a firm persuasion that the construction continues to be the same; and that, therefore, he may conciliate, and yet concede nothing by giving his assent. The proposed alteration was considered as merely verbal; no suspicion appears to have been entertained that it changed the stipulation as originally introduced; and it is not averred that the American Plenipotentiaries then thought of the construction now set up by their Government. The meaning of the British negotiators is admitted to have been made quite apparent by their projet; and as nothing passed indicative of any objections to it on the part of the American Commissioners, or of any departure from it by the British negotiators when the alterations were suggested by one party and acceded to by the other; and as there was no discussion on the propriety of making the restitution more extensive as to slaves and other private property than as to the other property mentioned, the undersigned cannot subscribe to the conclusions which Mr. Adams and his Government have drawn from this manner of viewing the subject. The undersigned will now proceed to examine that part of the subject which regards the construction that has been given to the context of the article in question by the Government of the United States.

By the first article of the treaty it is stipulated that "there shall be a firm and universal peace between His Britannic Majesty and the United States, and between their respective countries, territories, cities, towns, and people, of every degree, without exception of places or persons. All hostilities, both by sea and land, shall cease as soon as this treaty shall have been ratified by both parties, as hereinafter mentioned. All territory, places, and possessions whatsoever, taken by either party from the other during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery or other public property originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty, or any slaves or other private property. And all archives, records, deeds, and papers, either of a public nature or belonging to private persons, which, in the course of the war, may have fallen into the hands of the officers of either party, shall be, as far as may be practicable, forthwith restored and delivered to the proper authorities and persons to whom they respectively belong. Such of the islands in the bay of Passamaquoddy as are claimed by both parties shall remain in the possession of the party in whose occupation they may be at the time of the exchange of the ratifications of this treaty, until the decision respecting the title to the said islands shall have been made, in conformity with the fourth article of this treaty.

"No disposition made by this treaty as to such possession of the islands and territories claimed by both parties shall in any manner whatsoever be construed to affect the right of either."

The main purport of the first article, in the former part of it, relates to the general pacification, and, in the latter part of it, to some of the direct consequences on the territorial possessions of the two countries, and the property within such possessions. As to the public property in the posts or places to be restored, it provides that, if it shall have the double condition annexed to it of having been originally captured therein, and of remaining therein when the ratifications are exchanged, then such property is to be restored, and it is not to be destroyed or carried away. It would surely have been unusual and unreasonable to have stipulated for the restitution of any property which never had belonged to the fort or place, or which had been already destroyed or carried away, so as no longer in fairness to have been considered as belonging to it; for it would seem to have no connexion with the subject-matter of that part of the article in which the stipulation concerning it must be supposed to occur. As to public property, it appears quite plain that the carrying away here spoken of is *from* the fort or place to which it belonged, and from no other; for the condition which is admitted to apply to that would otherwise have no application at all; and no sound reason can be given why the condition might not, in both its branches, apply as well to private as to public property, provided the construction would fairly admit of it. Both parties appear to agree as to the conditions which relate to public property. But then immediately follow, in the same sentence, the words "or any slaves or other private property;" and here the question is, whether slaves and other private property are to be restored under the same limitation provided in the same article, and in that part of it which immediately precedes the words in question, or whether they are to be restored under different provisions? In the first place, the words do not admit of, nor is it contended by either party that there is any distinction whatever made in this article between slaves and other private property. They are incontestably placed on the same footing; and whatever stipulations in this article apply to slaves, as one description of private property, must, of necessity, apply equally to all other private property referred to in the article. The question then is, under what conditions is it stipulated that private property (slaves inclusive) is to be restored? If it be contended that, by the position of the words in this article, private property is released from all the conditions under which it is admitted that public property is to be restored, the res-

titution becomes in that case unconditional. But Mr. Monroe does not contend for an unconditional restitution, and, therefore, seems to admit that the stipulation respecting private property is not a new and substantial stipulation, independent of preceding words; but that the words "carrying away," which, in the preceding part of the sentence, apply to the restitution of public property, apply equally to the restitution of private property. But, if the words "carrying away" apply to private as well as public property, how entirely arbitrary it is to say that the intervening words do apply to the one, and do not apply to the other, although the words "carrying away" grammatically govern both.

Admitting, however, this arbitrary construction, still it would be more extensive than that for which Mr. Monroe contends; for, in that case, there would be no limitation assigned as to the place where the private property was originally captured, nor any limitation as to the place from whence the private property was not to be carried away. All merchant vessels, therefore, captured on the high seas, and their effects, must, according to this construction, be restored, even if they should not be within the limits of the United States at the time of the exchange of the ratifications. Neither would there be any limitation as to the time subsequent to which the carrying away is not to take place. It might be from the commencement of the war, or from the signature of the treaty, or from the exchange of the ratifications: whereas Mr. Monroe contends that the places where they had been originally captured, the places from whence they must not be carried away, and the period to which this limitation applies, are well ascertained by the first article. According to the construction of this article by the American Government, the private property in contemplation is limited to such as had been originally captured within the territories of the United States; and such property, so captured, must not be carried away after the exchange of the ratifications, nor from any place within the limits of the United States, whether this private property be at that period in American ports, or British ships-of-war, or British vessels. But if the first article provide for all these stipulations, one of them placing private property on the same footing as that on which, by the same, public property is placed, and the others establishing dissimilar conditions, it is impossible to look at those passages in this first article, which can alone be made to apply to such provisions, and not be at once satisfied that these limitations cannot be extracted, without such omissions and interpolations as the undersigned is persuaded that it is not the intention of the American Government to maintain. As to the application of this article to private property on shipboard, neither does the first article itself, nor did any discussion respecting it, express or refer to any such restitution of property remaining in British ships of war or British vessels. There are not only no words in the article which stipulate such a provision, but there is a provision in the second article which stipulates the contrary. By the second, the conditions are stipulated on which vessels and their effects are to be restored; they are to be restored if the vessels be not captured until after a given time from the exchange of the ratifications. If the vessels were captured previous to the time limited, neither they nor their effects are to be restored, wherever such vessels with their effects may be, although they should be within the limits of the United States; yet, according to the stipulations of the second article, which have a direct application to private property on shipboard, if they have been captured within a limited time, they may be carried away at any subsequent period, without reference to the exchange of the ratifications. To Mr. Monroe's observation, that destruction, in the first article, cannot apply to slaves, it might be sufficient to answer, that the expression may certainly apply to other private property, and that the stipulations which apply to one must apply to the other; but the observation is, in truth, not material to the question at issue, because the point in dispute is not with reference to private property carried away; which words, it is admitted, do apply to slaves and other private property. The question, then, seems to be this. Is that construction the true one which is the most simple and is grammatically correct, and was that which it is admitted one of the contracting parties intended, and against which the other did not at the time object? or is that construction to be adopted which was not at the time professed, which the words of the article do not express, and which is in contravention of the article which immediately follows it?

In this alternative, the undersigned has no hesitation in communicating to Mr. Adams that the British Government is under the necessity of adhering to the construction of the disputed point in the first article of the Treaty of Ghent, as set forth in this note, much as it has to regret that the construction should differ so widely from that of the Government of the United States.

The undersigned requests Mr. Adams to accept the assurances of his high consideration.

BATHURST.

Extract of a letter from the Secretary of State to Mr. Adams, dated

NOVEMBER 16, 1815.

It cannot be doubted that the British Government will make a just indemnity to the owners for the slaves who were carried from the United States by the British officers, in violation of the Treaty of Peace. The construction of the article, relating to this subject, given in my letter to Mr Baker, and maintained with so much reason and force in your conference with Lord Liverpool, is that alone which can be admitted here. The palpable violation of the treaty by the British officers, in carrying those persons off, after the peace was proclaimed, from the presence of their owners, excited a sensibility which need not be described. A vigorous effort of the Government

to obtain justice is claimed, and expected by them. Lists of the slaves taken from Cumberland island and Tangiers have already been forwarded, and lists of those taken from other parts will be forwarded when obtained.

Extract of a letter from the Secretary of State to Mr. Adams, dated

NOVEMBER 20, 1815.

It is not expected that the British Government will pay for any slaves who were carried from the United States, in violation of the treaty, of which satisfactory proof is not adduced. The proof applicable to those who were taken from Cumberland and Tangier islands will, I presume, be placed on the strongest ground; and I have no doubt that proof equally strong may be obtained of the removal of many others, who were carried off after the peace in British ships from other quarters. It is important that the principle be first established that the British Government will pay for the slaves carried off in violation of the treaty. The manner of liquidating the claims is the next point to be arranged. The mode suggested by you, the appointment of a Board of Commissioners, with full powers to investigate every case, is thought the most eligible—indeed, the only one that could do justice to the parties. This board ought to consist of one or more commissioners, to be appointed in equal number by each Government, and to hold its session in the United States.

Extract of a letter from Mr. Adams to the Secretary of State, dated

LONDON, *Feb.* 8, 1816.

In adverting to the subject of the slaves, I reminded him [Lord Castlereagh] that there were three distinct points relating to them, which had been under discussion between the two Governments. The first, regarding the slaves carried away by the British commanders from the United States, contrary, as the American Government holds, to the express stipulation of the Treaty of Ghent. After referring to the correspondence which has taken place on this topic at Washington and here, I observed that the last note concerning it, which I had received from Lord Bathurst, seemed to intimate that this Government had taken its final determination on the matter; that I hoped it was not so; I hoped they would give it further consideration; it had been the cause of so much anxiety to my Government; it was urged so constantly and so earnestly in my instructions. The language of the treaty appeared to us so clear and unequivocal; the violation of it, in carrying away the slaves, so manifest; and the losses of property occasioned to our citizens so considerable, and so serious, that I would not abandon the hope that further consideration would be given to it here, and ultimately that satisfaction would be made to the United States on this cause of complaint. Lord Castlereagh said that he had not seen the correspondence to which I referred, but that he would have it looked up, and examine it. There was, I told him, a special representation concerning eleven slaves taken from Mr. Downman by the violation of a flag of truce sent ashore by Captain Barrie. I had also received from Lord Bathurst an answer relative to this complaint, stating that it had been referred to Captain Barrie for a report, and giving the substance of that which he had made. It did not disprove any of the facts alleged by Mr. Downman; but I must remark that Captain Barrie was himself the officer who had sent the flag of truce, and who was responsible for the violation of it; and that, as a general principle, it was scarcely to be expected that satisfaction for an injury could ever be obtained, if the report of the person upon whom it was charged should be received as a conclusive answer to the complaint. He said he supposed the complaint itself was only the allegation of an individual, and that, naturally, reference must be made to the officer complained of for his answer to the charge. I replied that the documents I had furnished copies of, in Mr. Downman's case, did not consist merely of his allegations; there were affidavits of several other persons—taken, indeed, *ex parte*, because they could not be taken otherwise—but they were full and strong to the points, both of the violation of the flag, and of the carrying away of the slaves. He said he did not know how they could proceed otherwise, unless the affair were of sufficient importance for the appointment of commissioners by the two Governments; but he had not seen the papers, and would look into them.

Extract of a letter from Mr. Adams to Mr. Monroe, dated

LONDON, *February* 17, 1816.

The note respecting the slaves carried away is a reply to that which I received from Earl Bathurst in October last, as an answer to your lettter to Mr. Baker, and to my letters of the 9th August and 5th September last to Lord Castlereagh. A copy of Lord Bathurst's note was transmitted to you immediately after it was received. The determination to refuse all satisfaction for this glaring violation of the treaty appeared, by the note, to be so settled and peremptory, that I thought it would be most prudent to allow some interval of time to elapse previous to exposing all the distortion of facts and perversion of argument with which it abounded. I found, upon conversation with Lord Castlereagh, that he had seen none of the papers which had passed on this question during his absence in France, and this circumstance has afforded a proper occasion for urging the discussion again.

Mr. Adams to the Right Honorable Lord Viscount Castlereagh, His Majesty's principal Secretary of State for the Department of Foreign Affairs.

No. 13 CRAVEN STREET, *Feb.* 17, 1816.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary from the United States

of America, requests the attention of Lord Castlereagh to the letters which he had the honor of addressing to his lordship on the 9th of August and 5th of September last, in relation to the slaves belonging to the citizens of the United States, carried away by the naval commanders of the British forces from places within the United States subsequently to the peace between the two countries, and in violation of the engagement in the first article of the Treaty of Ghent.

In pressing this subject once more upon the consideration of His Majesty's Government, the undersigned deems it necessary to state the terms of the stipulation in the treaty, and the facts in breach of it, constituting the injury for which he is instructed to ask redress from the justice and good faith of the British Government.

The stipulation of the treaty is as follows:

"All territory, places, and possessions whatsoever, taken by either party from the other during the war, or which may be taken after the signing of this treaty, excepting only the lands hereinafter mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery or other public property originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty; or any slaves or other private property."

The facts in violation of this stipulation are, in evacuating sundry places within the United States which had been taken by the British during the war, the British naval commanders did carry away great numbers of slaves belonging to citizens of the United States. In his letter of the 5th of September the undersigned had the honor of enclosing a list of seven hundred and two slaves carried away, after the ratification of the Treaty of Peace, from Cumberland island and the waters adjacent, in the State of Georgia, by the forces under the command of Rear Admiral Cockburn, with the names of the slaves and those of their owners, citizens of the United States. A number, perhaps still greater, were carried away from Tangier island, in the State of Virginia, and from other places, lists of whom and of their proprietors the undersigned expects to be enabled in like manner to produce. The only foundation which these naval commanders have alleged for this procedure was a construction of the paragraph containing this stipulation, so contrary to its grammatical sense and obvious purport, that the undersigned is well assured if the same phrase had occurred in any municipal contract between individuals, no judicial tribunal in this kingdom would entertain for a moment a question upon it; a construction under which the whole operation of the words "slaves or other private property" was annihilated, by extending to them the limitation confined by the words of the treaty to artillery and public property.

In addition to the unequivocal import of the words, the undersigned, in his letter of the 9th of August, adduced the manner in which the article had been drawn up, discussed, and finally agreed upon, at the negotiation of the treaty, to prove that intention of the parties had been conformable to the plain letter of the article. It was intimated in the answer to his two letters which he had the honor of receiving from Earl Bathurst, that some inconvenience might result if the parties upon whom treaties are binding were to recur to the intentions of the negotiators of such treaty, instead of taking as their guide the context of the treaty itself on any point of controversy respecting it. In reply to which, the undersigned observes that his letter did not recur to the intentions of the negotiators, but to the intentions of the parties to the treaty, as manifested in the process of drawing up and agreeing to the article; and not even to them instead of the context of the treaty itself, but to support and maintain the context of the treaty against what he deemed a misconstruction equally at variance with the rules of grammar and the intentions of the parties.

It is observed, in Lord Bathurst's answer, that in this instance, the article as it stands was agreed to by a verbal amendment suggested by the American Plenipotentiaries to the original article proposed by the British Commissioners. Far otherwise; the original article was proposed by the American, and not by the British Plenipotentiaries. The original article proposed that, in evacuating the places to be restored, no property, public or private, artillery or slaves, should be carried away. An alteration was proposed by the British Plenipotentiaries, and its object was to limit the property to be restored with the places, to such as had been originally captured in the places, and should be remaining there at the time of the exchange of the ratifications. The reason alleged for this alteration applied only to public property. It might be impracticable to restore property which, though originally captured in the places, might have been removed from it before the exchange of the ratifications.

But private property, not having been subject to legitimate capture with the places, was not liable to the reason of the limitation; to which the American Plenipotentiaries, therefore, assented only so far as related to artillery and public property; they did not assent to it as related to slaves and other private property. It was not a mere verbal alteration which they proposed; they adhered, in relation to slaves and other private property, to their original draught of the article, while they consented to the proposed alteration with regard to artillery and public property. To this qualified acceptance the British Commissioners agreed. Nor need the undersigned remind Lord Castlereagh that the British Plenipotentiaries did not sign the Treaty of Ghent until this article, as finally agreed to, and every other important part of the treaty, had been submitted to the British Government itself, and received their sanction and approbation.

If Lord Bathurst had taken this, which is presented as the true view of the circumstances under which the article in question was drawn up and adopted, the undersigned is persuaded that he would have been spared the necessity of adverting to the following passage of his Lord-

ship's answer, in which the undersigned trusts that some error of a copyist has left its meaning imperfectly expressed.

"It is certainly possible that one party may propose an alteration, with a mental reservation of some construction of his own, and that he may assent to it on the firm persuasion that the construction continues to be the same; and that, therefore, he may conciliate, and yet concede nothing by giving his assent."

The only sense which the undersigned can discover in this sentence, as it stands, is that a party may conciliate, and yet concede nothing, by assenting to an alteration insidiously proposed by himself. Impossible as it is that such could have been Lord Bathurst's real meaning, the undersigned is equally unwilling to believe that his Lordship intended to insinuate that, in the case of the stipulation now in question, an alteration was, on the part of the United States, proposed with a mental reservation of a construction not then avowed, which was assented to by Great Britain with a firm persuasion that, under the alteration, the construction would remain the same. The undersigned must be allowed to say that there was nothing in the transaction referred to which could justify such an insinuation; that the article, as originally drawn by the American Plenipotentiaries, and presented to the British Government, was plain and clear; that it admitted of no other construction than that for which the American Government now contends; that it avowedly and openly contained a stipulation that, in the evacuation of all the territories, places, and possessions to be restored, no slave should be carried away; that an alteration was proposed by the British Plenipotentiaries, which was accepted only in part; that in this partial acceptance the British Government acquiesced—the undersigned will certainly not say with a mental reservation to make up, by a subsequent construction of their own, for the part to which the United States did not assent; but he does deem it his duty to say, that when Great Britain proposed an alteration to that, of the meaning of which there could be no doubt, and when the alteration was accepted conditionally, and under a modification to which she agreed, she was bound to perceive that the modification, thus insisted upon by the other party, was not a mere verbal change in the phraseology of her proposal, but, so far as it extended, a substantial adherence to the original draught of the article.

It is further urged, in Lord Bathurst's answer, that the construction contended for by the American Government is inconsistent with another article of the treaty; for that it would require the restoration of the merchant vessels, and their effects, captured on the high seas, even if they should not be within the limits of the United States at the time of the exchange of the ratifications. The undersigned is not aware how such an inference can be drawn from anything that has passed between the two Governments on the subject. Merchant vessels and effects captured on the high seas are, by the laws of war between civilized nations, lawful prize, and, by the capture, become the property of the captors. It was never asserted by the American Government that the stipulation in question could mean that, in evacuating the places taken, within the territorial jurisdiction of either party, the other should be precluded from carrying away his own property. But as, by the same usages of civilized nations private property, is not the subject of lawful capture in war upon the land, it is perfectly clear that, in every stipulation, private property shall be respected, or that, upon the restoration of places taken during the war, it shall not be carried away; the meaning of the expressions is defined by the subject-matter to which they relate, and extends only to the property of the party from whom the place was taken, or of persons under his allegiance. But in the present case it will not be pretended that the slaves, whose removal is complained of as a breach of the compact, were the property either of His Majesty, of the naval officers in his service who carried them away, or of any of his subjects. They were the property of citizens of the United States—precisely the species of property which it was expressly stipulated should not be carried away; and, far from setting up now, as is suggested in Lord Bathurst's note, a construction not thought of when the treaty was formed, the American Government do but claim the performance of the stipulation in the only sense which could be applied to it at that time. That the British Government gave it then any other construction, was not only never communicated to the Government of the United States, but was impossible to be foreseen by them. When Great Britain had solemnly agreed, without hinting an objection, to the principle of restoring captured slaves, it could not be foreseen that the engagement would be narrowed down to nothing by a strained extension of them—of a condition limited, by the words of the treaty, to another species of property. It was impossible to anticipate a construction of an important stipulation which should annihilate its operation. It was impossible to anticipate that a stipulation not to carry away any slaves would, by the British Government, be considered as faithfully executed by British officers in carrying away all the slaves in their possession.

The undersigned concludes with the earnest hope that His Majesty's Government, reviewing the subject in the spirit of candor and of justice, will accede to the proposal which he has been instructed to offer, and make provision to indemnify the owners of slaves which were carried away in contravention to the engagement of the treaty.

He has the honor of renewing to Lord Castlereagh the assurance of his high consideration.

JOHN QUINCY ADAMS.

Extract of a letter from Mr. Adams to Mr. Monroe, dated

LONDON, *March* 13, 1816.

I now enclose a copy of the note sent to Lord Castlereagh, concerning the slaves taken from

Mr. Downman, by the violation of a flag of truce sent by Captain Barrie. You will have seen, by Lord Bathurst's note, a copy of which was transmitted to you immediately after it was received, that Captain Barrie disclaims all knowledge of the fact that the slaves were taken. As it appears by the documents that one of the slaves escaped from Bermuda and returned to his master, it may probably be in Mr. Downman's power to furnish many further particulars which may be of essential use in the prosecution of this inquiry, such as the name of the vessel to which they were first sent from the flag; how, and by what vessel, and when, they were afterwards sent to Bermuda, and into whose charge they were delivered there; perhaps, even the name of the officer who bore the flag; and whether Jeffery, the surgeon's mate, for whom the flag was sent, was on board the Franklin while the slaves were there; or whether they had already been sent on board another vessel before he embarked. Barrie's statement and Lord Bathurst's note seem intended to cast doubts upon the very fact of the slaves having been taken.

[N. B. A copy of the above was sent to Mr. Downman, but no answer has been received.]

Mr. Adams to Lord Viscount Castlereagh, His Majesty's principal Secretary of State for the Department of Foreign Affairs.

13 Craven Street, *March* 12, 1816.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary from the United States of America, has the honor of inviting the attention of Lord Castlereagh to a letter which, on the 7th of October last, the undersigned addressed to Earl Bathurst, in relation to eleven slaves, the property of Raleigh W. Downman, a citizen of the United States, alleged to have been taken and carried away by the violation of a flag of truce sent by Captain Barrie, commander of His Majesty's ship Dragon. With this letter were enclosed copies of Mr. Downman's memorial to the President of the United States, representing the facts, and of several other documents to substantiate them; to all which the undersigned now begs leave to refer Lord Castlereagh.

The undersigned had the honor of receiving from Lord Bathurst an answer to this letter, acquainting him that Captain Barrie himself had been immediately referred to for such particulars as he might be enabled to give upon this subject, and communicating the substance of his report upon this reference.

There are many particulars in this statement of Captain Barrie, which, appearing to have no bearing upon the special object of inquiry, and tending rather to draw the attention from it to other points of discussion, might with propriety be left unnoticed, but for the insinuations that they convey. He remarks, for instance, that, at the period in question, the violation of a flag of truce was a very tender subject with him; and he refers to a previous correspondence in which he had been engaged with the commanding officer of the United States forces at Norfolk, on want of respect paid to British flags of truce, upon occasion of one of his own having been fired upon. The undersigned might deem it sufficient to say, that this was not the subject upon which Captain Barrie was called for information. As the Captain does not recollect the violation, by his own people, of the flag sent by himself, he did not mean to allege it as a retaliation upon that of which another flag sent by him had been the sufferer. Yet he avows that, if slaves, fugitives from their masters, had been received on board a flag sent by himself, he would not have restored them to their owners without an express order from his Commander-in-Chief: a tenderness for a flag of truce upon which the undersigned forbears to comment.

Of the particular incident asserted by Captain Barrie, the undersigned has no cognizance; but, so far as this part of that officer's narrative may be understood as intending an imputation upon American officers or the American Government, of disrespect to the sacred character of a flag, the undersigned will only remind Lord Castlereagh of the repeated offers made by the Government of the United States during the war, and by the American Plenipotentiaries at the negotiation of peace, to punish every infraction of the most liberal laws of war, on their part, and to indemnify, as far as possible, every sufferer under them. It was in the power of Great Britain to have accepted these offers, on the single condition of reciprocity. The correctness of two of the documents transmitted by the undersigned to Lord Bathurst, and marked A and B, is admitted by Captain Barrie. He declares that he never received the document marked D—a circumstance acknowledged in Mr. Downman's memorial, and accounted for by the statement, that before a vessel could be procured to bear the flag with this letter, the British vessels had left the Chesapeake.

With regard to the violation of the flag of truce, and taking and carrying away of the slaves, Captain Barrie states, in general terms, that he has no recollection of any slaves ever having been received on board *any* flag of truce, during the time he was intrusted with the command of the Chesapeake squadron; and that if such a circumstance did occur, it was without his knowledge or authority.

The fact of the violation of the flag, and of the taking and carrying away of the slaves, is testified in the papers transmitted to Earl Bathurst, by the depositions, upon oath, of four witnesses; and His Majesty's Government did not consider the transaction as duly investigated, or that justice had been done to the complaining party, merely because Captain Barrie had stated the fact not to be within his recollection or knowledge. It was mentioned in Lord Bathurst's note that a communication would forthwith be made to Admiral Cockburn, for the purpose of obtaining further information upon the subject, with which, it is added, he must have been acquainted, as it appears that he had arrived in the Chesapeake before the surgeon's mate was restored.

The undersigned can urge no objection to any source of information to which His Majesty's Government may deem it expedient to resort for ascertaining the facts to their own satisfaction; but he thinks it proper to suggest that there are other sources which might also tend to the elucidation of the facts. Perhaps Captain Barrie could indicate the name of the officer by whom he sent the flag. Mr. Jeffery, the surgeon's mate, whose restoration was the object of the flag, and who actually returned with it, might give some light upon the subject. The captain and officers of the Havana must be supposed to know something of the affair. But, independently of the recollection of all officers, themselves so materially and so pointedly interested in the result of the inquiry from the documents transmitted by the undersigned, it appears that one of the slaves *made his escape* from the island of Bermuda, and returned to his master. Information respecting the others might, then be easily obtained by the British Government from Bermuda. That the slaves were taken, the undersigned believes cannot admit of a doubt. How they were disposed of, is a question interesting to the solicitude which His Majesty's Government have felt upon an allegation which has been considered as implicating the character of British officers. The violation of a flag constitutes, in this instance, an aggravation which seems to call, with peculiar energy, for a complete and unequivocal investigation. The undersigned is persuaded that His Majesty's Government will feel it to be due to the complaint of the individual, to the honor of their officers, and to their own sense of justice.

He has the honor of renewing to Lord Castlereagh the assurance of his high consideration.

JOHN QUINCY ADAMS.

Extract of a letter from Mr. Adams to the Secretary of State, dated

LONDON, *March* 30, 1816.

I have the honor to enclose copies of a note which I have received from Lord Castlereagh, with a report from Sir George Cockburn to the Secretary of the Admiralty, Mr. Croker, concerning the taking and carrying away of Mr. Downman's slaves. You will not fail to perceive that the admiral, like Captain Barrie, disclaims all knowledge of the transaction whatever, and that the effort and tendency of both their letters is to excite doubts with regard to the truth of Mr. Downman's statement in his memorial to the President. I have no doubt it will be easy, and beg leave to suggest it may be very important to Mr. Downman, to furnish additional evidence of the facts and particulars which may lead to the disclosure how and why the transportation, in broad day, of eleven slaves, to the British squadron, and by them to Bermuda, could be effected without the knowledge of either of the British commanding officers.

J. Q. ADAMS.

SECRETARY OF STATE.

Lord Castlereagh to Mr. Adams.

FOREIGN OFFICE, *March* 26, 1816.

The undersigned has had the honor of receiving Mr. Adams's note of the 11th instant, respecting the slaves asserted by Mr. Downman to have been carried away from his estates by a flag of truce, contrary to the usages of war.

The undersigned has now the honor of transmitting to him a report which has been recently received from Rear Admiral Sir George Cockburn; and as soon as the further reports which the Admiral has promised to make upon the arrival of Captain Hamilton at the anchorage off St. Helena shall be received, the undersigned will not fail to communicate it to Mr. Adams, being not less anxious than himself upon a case in which a flag of truce is stated to have been violated.

The undersigned begs to renew to Mr. Adams the assurance of his high consideration.

CASTLEREAGH.

JOHN Q. ADAMS, Esq., &c.

Admiral Cockburn to Mr. Croker.

NORTHUMBERL'D, (St. Helena Roads,) *February* 9, 1816.

SIR: With reference to Mr. Barrie's letter (No. 15) of the 3d of November, and its enclosures, respecting certain slaves stated to have been carried away from the American shore within the Chesapeake, by a British flag of truce, in the month of December, 1814, I lose no time in begging you to acquaint their Lordships that I have no knowledge whatever of such transaction, nor is mention made of any such in my various documents of that period, though His Majesty's ships then in the Chesapeake, and on the adjacent coasts, were all acting under my immediate orders, and, consequently, made all their reports to me.

Mr. Downman's memorial to Mr. Madison induces me, however, to mention to their Lordships that, from my first entering the Chesapeake, in March, 1813, until the conclusion of the war, the said inland navigation was never left without several of His Majesty's ships; and when I quitted it in December, 1814, with a part of the squadron, I left there three frigates and two sloops under the orders of Captain Clavelle, of the Orlando, with whom communications from the land were held by means of flags of truce, from one extremity of its shores to the other, as will appear by two of the paragraphs extracted from letters I received about the same period from that officer, (herewith enclosed;) and the first paragraph will show (in reply to a part of Colonel Chawning's letter) that it was not uncustomary to trust the tender in question (which was the one attached to and manned from the Havana) up the Rappahannock river with hostile views. After the proclamation, which was issued on this subject, the slaves were constantly coming, at all risks, to our ships, tenders, and boats, &c., for protection, which occasioned our squadron to be visited by Americans under flags of truce, asking the restoration

of these unhappy people, under various pleas; and I cannot help thinking that, if the transactions in question had really taken place, as set forth by Mr. Downman, it would have come before me, either through Captain Clavelle or through some other channel, previous to quitting the station, as I continued not only upon the coast, but actually on shore in America, until after the ratification of the Treaty of Peace, and was to the last in the habit of receiving letters on such subjects from all parts of the country, Washington not excepted.

The Havana being now upon this station, and it being possible that some of the officers and people who were in the tender may be still on board the frigate, I will, whenever she returns to this anchorage, cause Captain Hamilton to make every inquiry and report to me thereupon; and I shall not fail to transmit it to their Lordships by the earliest opportunity afterwards, at which time I will also return the several papers which have been transmitted to me referring thereto.

I have the honor to be, &c.

GEORGE COCKBURN.

Extract of a letter from Mr. Adams to the Secretary of State, dated

LONDON, *April* 15, 1816.

Since this interview with Lord Castlereagh, I have received from him a note respecting the slaves carried away from the United States after the ratification of the peace. A copy of it is enclosed. To reply to it at present would be to no purpose. I shall wait for your further instructions.

Copy of a letter from Lord Castlereagh to Mr. Adams.

APRIL 10, 1816.

The undersigned has the honor to acknowledge the receipt of Mr. Adams's note of the 17th of February, claiming, on behalf of the United States, all such slaves belonging to their citizens as had been carried away by the naval commanders of the British forces from places within the United States, subsequently to the peace between the two countries.

The grounds upon which His Majesty's Government felt themselves compelled to withhold their acquiescence in the claim of the United States, as preferred in Mr. Adams's former note of the 9th of August, have been already fully explained by Lord Bathurst in his communication of the 2d of October. It does not, therefore, appear to the undersigned to be requisite again to discuss at any length the construction of the first article of the Treaty of Ghent. Agreeing entirely in the arguments urged by Earl Bathurst on this subject, the undersigned can never admit that construction of the article to be the true one, which would apply to the restoration of slaves a different rule from that applicable to private property; or which, admitting that the restoration of private property, slaves inclusive, is to be subjected to some limitations, applies to it a different degree of limitation from that conveyed in the words immediately preceding.

His Majesty's Government have always been ready to admit the most liberal construction of the article in question. They have never pretended to resist the claim of the United States to indemnification for slaves or private property belonging to their citizens, which can be proved to have been in places directed to be restored by the Treaty of Ghent, at the date of the exchange of the ratifications, and to have been afterwards removed. But they do, and must ever deny that the United States can have any claim to property not actually in the places which, by the stipulations of the treaty, were to be restored at the time specified therein; because such a claim is utterly inconsistent with the provisions of the treaty, and is equally unsupported by anything which passed in the discussion of that treaty, or even by the original projet of that treaty, as offered by the American negotiators.

That projet, indeed, required that the places should be restored, without carrying away any private property. If it had been, then, intended to provide for the restoration of all private property originally captured in the places, instead of prohibiting its removal, the article would have positively enjoined the restoration. What had been previously removed could not become the subject of the prohibition; for not being in the place to be restored, it could not be carried away. Under this projet, therefore, a removal previous to the ratification of the treaty was admitted, to bar the claim of the United States, without reference either to the distance to which the property had been removed, to the actual state of the property, whether on shipboard or on British territory, or to the length of time which had elapsed since its removal.

The undersigned, therefore, considers it impossible to maintain that the insertion of the words "originally captured in the said places, which shall remain therein upon the exchange of the ratifications of this treaty," (words which must be admitted, at least, of a restrictive nature,) can have given to the original proposition of the American Plenipotentiaries a greater latitude than it originally possessed.

The undersigned trusts that the Government of the United States will, upon these considerations, not be disposed further to urge the general claim to indemnification which was the subject of Mr. Adams's former notes. Animated with a sincere disposition to act towards all Powers with the strictest justice and good faith, His Majesty's Government will be most happy to attend to any representation on the part of the United States which may have for its object the restoration or indemnification for the loss of property of her citizens actually removed from places within the territory of the United States subsequent to the ratification of the Treaty of Ghent. But, at the same time, the undersigned cannot consider any property which had been, previous to the ratification of the treaty, removed on shipboard, as property forming a subject of such representation.

The undersigned begs to renew to Mr. Adams the assurances of his high consideration.

CASTLEREAGH.

Extract of a letter from the Secretary of State to Mr. Adams, dated

MAY 21, 1816.

Should the British Government persevere in its construction of the first article of the late Treaty of Peace, respecting slaves carried off in violation, as we presume, of its obvious import, the President is willing to refer the question to the decision of some friendly Power, which you will propose. A reference is suggested, by provisions in the treaty, applicable to anticipated differences in other instances; indeed, where such differences exist, no better mode can be adopted for settling them in a satisfactory manner. In this instance the interest is too important to be neglected. It is impossible that the opinion of the British Government can be more decided than that of the United States. There is no reason, therefore, why the United States should yield to the opinion of Great Britain, more than that Great Britain should yield to that of the United States.

Extract of a letter from Mr. Adams to Lord Castlereagh, dated

SEPTEMBER 17, 1816.

"4th. Slaves carried away from the United States by British officers after the peace."

As the construction given by His Majesty's Government to the first article in the Treaty of Ghent, in reference to the slaves carried away from the United States by British officers, after the ratification of peace, is so directly at variance with the construction which the American Government think alone applicable to it, the undersigned has been further instructed to propose that this question should be submitted to the decision of some friendly sovereign. This reference is suggested by provisions in the Treaty of Ghent itself, applicable to the contingency of differences in other instances; and it is conceived that, when such differences exist, no better mode can be adopted for settling them in a satisfactory manner.

Viscount Castlereagh to Mr. Adams.

SEPTEMBER 28, 1816.

SIR: I very much regret that the absence from London, at this season of the year, of several of the Prince Regent's Ministers, will preclude me from returning as early an answer to your note of the 17th as I should wish, under the sense I entertain of the great importance of the several objects to which it invites the attention of this Government.

I have myself obtained the permission of the Prince Regent to make a short excursion to Ireland on my private affairs; but I shall certainly return to London by the middle of November, and shall lose no time, as soon after that period as my colleagues shall be reassembled, to bring the various subjects referred to in your note under their deliberation.

I request you will accept the assurance of the high consideration with which I have the honor to be, &c.

CASTLEREAGH.

JOHN Q. ADAMS, Esq., &c.

STATE OF THE FINANCES.

[Communicated to Congress, December 3, 1816, by the President of the United States in his annual Message, of which the following is an extract.]

"For a more enlarged view of the public finances, with a view of the measures pursued by the Treasury Department previous to the resignation of the late Secretary, I transmit an extract from the last report of that officer. Congress will perceive in it ample proofs of the solid foundation on which the financial prosperity of the nation rests, and will do justice to the distinguished ability and successful exertions with which the duties of the Department were executed, during a period remarkable for its difficulties and its peculiar perplexities."

Extract of a report of the late Secretary of the Treasury to the President of the United States.

The Secretary of the Treasury has the honor to submit to the President of the United States the following general sketch of the finances, with reference to the 1st of August, 1816, comprehending—

I. A view of the sources of revenue, and the objects of public expenditure;

II. A view of the fiscal measures during 1816.

I. *A view of the sources of revenue, and the objects of public expenditure.*

REVENUE.

The return of peace enabling the Legislature to alleviate the burdens imposed by the necessities of the war, Congress, during the last session, discontinued or reduced the following duties and taxes:

1. The acts imposing duties upon articles of domestic manufacture were repealed.
2. The act imposing duties on furniture and watches was repealed.
3. The duties imposed on licenses to retailers of foreign merchandise, &c., were reduced.
4. The duties imposed on spirits distilled within the United States were reduced, and the collection modified.
5. The rates of postage were reduced.
6. The direct tax was reduced from $6,000,000 to $3,000,000, and imposed for one year only.
7. The double duties on merchandise imported were discontinued, and a new tariff established.

The discontinuance and reduction of the duties

and taxes (independent of the impost) may be estimated at the annual amount of $8,000,000 with the contingent diminution of $3,000,000 more, if the direct tax should not be continued after the year 1816.

But the remaining sources of revenue were ample for the maintenance of the public credit, and the prosecution of a liberal and provident policy. They consist—

1. Of the customs, including the duty upon salt, according to the new tariff of duties.
2. Of the direct tax imposed for 1816.
3. Of internal duties on stamps;
   Ditto on licenses to retail;
   Ditto on spirits distilled;
   Ditto on refined sugar;
   Ditto on carriages and harness;
   Ditto on sales at auction.
4. Of postage.
5. Of the product of fines, penalties, and forfeitures, and other miscellaneous receipts.
6. Of the proceeds of the sales of public lands.

To these sources of revenue must be added the auxiliary authority to issue Treasury notes, of various denominations, and to raise money upon loan. The authority was necessary in anticipation of the revenue, throughout the year 1815, to meet the arrearages of the war expenditure; to discharge the floating public debt of Treasury notes and temporary loans; and to pay the instalment of the principal, and the interest of the public funded debt. But the Treasury would no longer require the aid of loans or Treasury notes, if the facilities for transferring its funds from place to place had not been destroyed when the national currency became extinct.

The Committee of Ways and Means have heretofore estimated the annual product of the customs, according to the new tariff of duties, at about the sum of $17,000,000, and, although for the present year the amount will be much greater, in consequence of the late excessive importations, the estimate of the committee may be accepted as a just measure of the permanent annual product of the customs for the purposes of the Peace Establishment. The annual product of the direct tax, the internal revenues, and the sales of public lands have, in like manner, been estimated at about the sum of $7,000,000; making, upon this general view, and supposing a continuance of the direct tax, a permanent annual income of $24,000,000.

EXPENDITURE.

It is not intended, in this preliminary view of the objects of the public expenditure, to embrace the temporary objects arising from the war, but those only of a permanent nature upon a Peace Establishment, which have heretofore been estimated at an annual aggregate of about $24,000,000.

1. For civil, diplomatic, and miscellaneous expenses.
2. For military expenses, including the Indian Department, and the armament of the militia.
3. For the naval expenses, including the annual appropriations for the purchase of timber, and the gradual increase of the navy.
4. For the instalment and interest payable on funded public debt.

It is proper to remark that temporary loans and Treasury notes, issued under the authority of acts, passed prior to December, 1814, were chargeable on the Sinking Fund; but as the current revenue will afford the means to satisfy those demands, in the course of a few months, the floating debt is not enumerated with the objects of annual expenditure.

It is also proper to remark that the principal of the Louisiana stock is reimbursable at the Treasury of the United States in four annual instalments, commencing in 1818; and that, by the operation of the Sinking Fund, the old six per cent. stock will be extinguished in 1818, the deferred stock in 1824, and the Louisiana stock in 1822. The stock created on account of the war debt is charged upon the Sinking Fund, and becomes redeemable at various periods between the years 1825 and 1828.

For the details, connected with this general view of the resources of the revenue, and the objects of public expenditure, it is sufficient to refer to the annual report from the Treasury Department, dated the 6th of December, 1815, the report on the subject of the new tariff of duties, dated the 12th of February, 1816, and the report of the Committee of Ways and Means, dated the 9th of January, 1816. The sequel of the present sketch of the finances will likewise serve the purposes of explanation and illustration.

II. *A view of the Fiscal Measures during* 1816.

In various communications from this Department to Congress, the injurious effects of the suspension of payments in coin upon the administration of the finances have been anxiously represented. For the immediate object of the present report it is proper to repeat some of them:

1. The Treasury has been compelled to accept the payment of the duties and taxes in the local currency of the respective places of payment.

The comparative value of the local currencies appeared, in some degree, to render this course of payment unequal; but the alternative was either to adopt it, or to abandon the hope of collecting the revenue in any convertible medium for satisfying the public engagements. The rule was, therefore, declared that the Treasury would receive and pay in the notes of banks circulating at par at the respective places of receiving and paying. For a time, the test of the fact that the notes did circulate at par was the agreement of the banks, employed as the depositories of the public revenue, to credit them as cash in the Treasurer's accounts; but when the principal banks withdrew that accommodation, and refused to credit, as cash, any bank notes but those which they had themselves respectively issued, the fact of the circulation at par was necessarily left to its own notoriety, and the official responsibility of the collectors. Few notes, except the notes of the local banks, continued to circulate at par; and such as did so circulate were received by the banks upon special deposite for safe-keeping, con-

stituting a discredited fund, upon which the Treasurer could only occasionally draw.

The operation of this measure was, undoubtedly, severe in many of the collection districts, particularly in the States where the banks, preparing for the resumption of coin payments, had so reduced the issues of their paper as to render the circulating amount insufficient for the demand. But it was not in the power of the Treasury to dispense with the general rule. If notes, not circulating at par, had been received in one district, they must have been received in every district; and there existed no mode of discriminating between notes to be received, and notes to be rejected, either as to the bank, or the place, at which they were issued. The inevitable consequences must have been that the duties and taxes would everywhere be paid in the most depreciated paper; and that the medium thus received could never be employed to discharge the demands upon the Treasury, even at the places of receiving it. The revenue would accumulate in the Treasury only to perish there; while the expedient, of substituting Treasury notes to meet the public engagements, led to an indefinite augmentation of the national debt.

2. The Treasury has been compelled to augment the amount of national debt, both funded and floating, by issues of Treasury notes to meet the public engagements at places where it could not command the local currency.

Throughout the Eastern States the Treasury has hitherto failed to command an amount of the local currency equal to the amount of the local demands. The banks of those States, fettered by the stipulations of their charters, could not follow the example of the banks of the other States in the suspension of coin payments; but their issues of notes have been very limited, and the necessities for a circulating medium have been principally supplied by Treasury notes, and partially by the notes of the Bank of New York. Under these circumstances the revenue in the Eastern section of the Union has been, almost entirely, collected in Treasury notes. Inferior difficulties, from similar causes, have occurred in some of the Southern States; where, also, the accruing revenue was less in proportion to the demands which the arrearages of the war, as well as the current expenditures, pressed upon the Treasury.

From these considerations it is obvious that the public credit could only be maintained, and the public service could only be effected, even with an ample revenue, with the use of the auxiliary means afforded to the Treasury, in the authority to borrow money and issue Treasury notes. Little use, however, has been made of the authority to borrow since the closing of the loan of 1815; but the warrants of the War and the Navy Departments, as well as the dividends payable on the public funded debt, have required a considerable issue of Treasury notes. The Treasury notes bearing interest, and fundable at six per cent. have been generally disbursed in payment for services and supplies; and the Treasury notes, not bearing interest, but fundable at seven per cent., have been generally disbursed in payments on account of the funded debt, and the compensation of members of Congress. The effect of these measures will be more particularly stated hereafter.

Thus it cannot escape observation that a cause unconnected with the late war, and which exists without the agency or the authority of the Government, will probably so augment the amount of the funded and floating debt as to render nugatory the estimates and calculations which have been made on other occasions in relation to that subject. The restoration of a uniform national currency can alone terminate this evil.

3. The Treasury has been involved in the difficult and delicate task of designating the medium in which the warrants drawn by the heads of Departments should be respectively paid.

The revenue is collected throughout the Union, but the amount of the collection is very different in different places; and it has happened, not unfrequently, that the demand for payment was the greatest where the means of payment were the least. The rule, which has already been mentioned, was applied, whenever it was practicable, by directing warrants to be paid at the places of rendering the services, or furnishing the supplies, for which they were respectively granted. But if the Treasury possessed no funds at those places the differences of exchange rendered it extremely difficult to locate the payment of the warrants in a manner equitable, impartial, and satisfactory. For some months after the war the Treasury was scantily supplied with the local currency of every place, except the District of Columbia and the city of Baltimore; and, consequently, during that period, the warrants which could not be discharged at the seat of the original transaction were paid in the currency of the District or of Baltimore. The progressive accumulation of the revenue opened a wider scope for payments, enabling the Treasury to draw next upon the banks of Philadelphia, and, more recently, upon the banks of New York. The public funds in the banks of the Southern and Western States having, also, become generally adequate to the local demands, it may now be considered that the active resources of the Treasury are co-extensive with the Union, excepting always the Eastern section. The difficult task of locating the payment of warrants still, however, continues, and must continue, as long as the differences of exchange shall operate. It is fiscally impossible to pay all the demands upon the Treasury at one place, and every holder of a warrant is naturally desirous to be paid at the place where the medium is of the highest current value. Under such circumstances it is to be expected that individuals will sometimes feel disappointment and express dissatisfaction; but it has been the constant and anxious endeavor of the Treasury to perform its arduous task, in the exercise of a sound discretion, guided by the requisitions of the departments, by the origin and nature of the debt, and by the state of the public funds.

4. The Treasury has been compelled to increase

the number, and extend the range of banks employed as the depositories of the public revenue, with consequences unavoidably inconvenient and injurious.

As soon as the differences of the current value of bank notes were introduced, and particularly when one bank refused to credit as cash a deposite of notes of another, the Treasury was drawn to a choice of expedients; that is, either to take the hazard of accumulation of masses of revenue in the hands of the individual collectors and receivers, or to recognise, as places of deposite, the banks (being, however, banks of unquestioned solidity) established in the districts which were most affected by the course of the exchanges. Many powerful reasons led to an adoption of the latter measure; instructions were issued to the collectors and receivers to act accordingly; and the number of banks thus necessarily employed by the Treasury from Maine to Louisiana may be stated at ninety-four.

To the inconveniences incident to this multiplication of the places of deposite, was added the complexity inevitably arising from the various kinds of paper in circulation as money upon some of which minute calculations were required. Generally speaking the Treasury has with each bank four accounts:

An account of cash, meaning (in the absence of coin) the local currency.

An account of special deposites of bank notes, being notes issued by banks other than the depository.

An account of special deposites of Treasury notes bearing interest.

An account of deposites of small Treasury notes not bearing interest.

Owing to this untoward condition of the machinery for the collection, custody, and distribution of the revenue, to the great extension of the business of receipts and expenditures, and to several accidental causes, the punctual statement and settlement of the Treasurer's accounts have been found practicable. To expedite and facilitate, however, the accomplishment of that object proceedings have been instituted to withdraw the Treasury notes from the banks, for the purpose of cancelling them; to ascertain the character of the bank notes upon special deposite, for the purpose of claiming payment, or an effective credit from the banks which issued them; and to induce the banks of the interior to transfer the Treasurer's balances, from time to time, to the banks of the commercial cities on the Atlantic, for the purpose of a periodical settlement: the success of these proceedings, the operation of the Bank of the United States, the collection of the revenue in the lawful currency, and, above all, the improvements contemplated by Congress in the constitution of the Department, are objects of high and urgent importance, demanding constant vigilance and care.

The successive attempts made by this Department to relieve the administration of the finances from its embarrassments have been ineffectual. There was no magic in a mere Treasury instruction to the collectors of the revenue, which could, by its own virtue, charm gold and silver again into circulation. The people, individually, did not possess a metallic medium, and could not be expected to procure it, throughout the country, as well as in the cities, by any exertion unaided by the banks. And the banks, too timid, or too interested, declined every overture to a co-operation for reinstating the lawful currency. In this state of things the Treasury, nay, the Legislature, remained passive. The power of coercing the banks was limited to the rejection of their notes in the payment of duties and taxes, and to the exclusion of their agency in the custody and distribution of the revenue; but the exercises of that power would not generate a coin currency; although it would certainly act oppressively upon the people, and put at hazard every sum of money which was due to the Government. Until, therefore, a substitute was provided for the paper of the banks, it would have been a measure of useless and impolitic severity towards the community to insist that all contributions to the expenses of the Government should be paid in medium, which, it is repeated, the community did not possess, and could not procure.

The opinion here expressed has been the opinion of all the States, except the Eastern States. In the Southern and Western States the payments in coin had been suspended; and in most of them the notes of the local banks constituted the general circulating medium; for the Treasury note medium circulated, almost exclusively, in the commercial cities. The obvious difference between the situation of the Eastern section, and the other sections of the Union, naturally produced a difference of interests, and of dispositions, upon the question of resuming payments in coin. The Eastern section urged the measure at all hazards. The other sections, and particularly the middle section, objected to it; each bank professing, nevertheless, a willingness to adopt it, upon a simultaneous and general movement of the banks, directed to that object. With respect to the Eastern section, a peremptory requisition for a return to payments in coin would have left the circulating medium, for the ordinary uses of the people, much the same, in quantity and kind, whether the distant banks conformed to it or not. But, with respect to the other sections, such a requisition, if the local banks did not conform to it, must have deprived the people of their only means of paying the public taxes, and of transacting the pecuniary business of life. It was not, then, an insensibility to the pernicious course of banking which had, of late, been pursued, nor a disposition to relinquish the cardinal policy of restoring the lawful national currency, that induced this Department, during the year 1815, to acquiesce in the state of the currency, such as it was found when the present Secretary was appointed, and such as it had been left by Congress, after the deliberations of a six months session, but the acquiescence (painful as it was) proceeded entirely from a sense of duty to the Government and of justice to the community; from a solici-

tude to preserve the public revenue, as well as to prevent private distress; and from a conviction that the legislative wisdom and authority were alone competent to provide the means of removing the great evil that existed, without incurring the danger of introducing a greater evil.

The result of the proceedings of the last session of Congress has justified the opinion, and realized the hope which was formed. The establishment of the Bank of the United States will open the sources of a uniform currency, independent of the State banks; and, as the people will be thus supplied with a medium, which can be used for every public and private purpose, the peremptory requisition of the resolution of Congress, for the collection in the lawful money of the United States after the 20th of February, 1817, becomes at once just, politic, and practicable.

The steps which were taken to organize the Bank of the United States, the early and satisfactory completion of its subscriptions to its capital, and the advertisement appointing the 28th of the ensuing October for the election of directors by the stockholders, have been, heretofore communicated to the President, together with the letter which was addressed to the Bank Commissioners at Philadelphia, recommending that they should provide a place, and materials, proper and requisite for commencing the operations of the institution, as soon as the directors shall be chosen. The general solidity of the subscribers as capitalists, and the extensive distribution of the stock, throughout the Union, have confirmed the public hope and confidence in the competency of the bank to accomplish the great objects for which it is established.

As soon as it appeared, upon reasonable calculation, that the subscription to the capital of the Bank of the United States would be filled, a proposition was offered for the consideration of the State banks for commencing the payments of small sums in coin, on the 1st day of October next, upon principles, which, with the approbation of all the members of the Administration, were stated in the report made to the President on the 24th June, 1816. The terms of the resolution of Congress seemed, indeed, to require from the Treasury Department an effort to facilitate the restoration of the lawful currency, even before the 20th of February, 1817; and, short of a general return to that currency, nothing was thought more likely to be acceptable and useful than the proposition in question. But the effort has failed. The State banks, with few exceptions, have deemed a partial resumption of coin payments inexpedient; and the banks of the Middle States (New York, Pennsylvania, and Maryland) have intimated that, about the 1st of July, 1817, will be the proper period for resuming the banking operations on the basis of a metallic capital.

The rejection of the Treasury proposition is regretted. Upon principle there is no good reason why a debtor should not pay a part of his debts although he cannot pay the whole; nor why he should refuse to pay his small debts, because he cannot pay the large. Upon experience, banks (for instance, at this epoch, the Bank of England) have been in the practice of paying coin for their notes of a low denomination, while they refused that kind of payment for notes of a high denomination; and, upon policy, it is clear that the payment of small notes in coin would soon beget confidence in bank paper of any amount; and, consequently, render a general payment in coin easy and safe. The quantity of small notes abroad, the probability of a run through that medium upon the banks, and all the terrors which bankers and brokers may feel or imagine, will furnish no argument against the proposition for a partial resumption of coin payments at this time, which will not be more forcible against a general resumption at all times. But it is impossible to pass from disease to health without some suffering; and the banks cannot expect to recover from the disorders of the present banking system without encountering risks, and impairing profits. The rejection of the proposition has, however, constrained the Treasury to limit its exertions to preparatory arrangements for the general collection of the revenue in the lawful currency after the day prescribed by the Legislature.

But referring the period, for a general resumption of payments in coin, to a day so distant as the 1st of July, 1817, (several months subsequent to the time prescribed by Congress for the collection of the revenue, in the lawful currency, as well as the time when the operations of the Bank of the United States might be expected to commence,) is a measure of the most serious character, indicating a dangerous reliance of the State banks upon a change in the policy, or a relaxation in the energy of the legislative authority. Its effects, if unresisted, or if fostered by a temporising disposition on the part of the Government, must be to embarrass the Bank of the United States in the onset; to confine the issues of the notes of the national bank to the amount of the coin in its vaults, to deprive the people of the means of complying with the resolution of Congress for the collection of the revenue in coin, and to preserve to the State banks an illegitimate control over the money and currency of the nation. To the wisdom, patriotism, and virtue of Congress, therefore, an appeal must be made; nor can it be supposed that the State authorities will remain insensible to so calamitous a state of things. The powers of the Government, vigorously and steadily exercised, are ample for redress and relief; and it is yet hoped that the State banks will perceive and avoid the ruinous consequences to which the theatened conflict inevitably exposes them. The second instalment to the subscriptions of the United States being paid, the price of gold and silver being obviously in a rapid course of reduction, the means possessed by the banks to reinstate their metallic capitals being faithfully applied to that object, a spirit of mutual conciliation and good will actuating the national and State institutions, and, in short, a solid foun-

dation of public confidence being thus laid, what have the State banks to apprehend from a return to coin payment when the national bank shall commence similar payments, (say in January next,) or when similar payments shall be exacted from the people in the collection of duties and taxes, on the 20th of February, which will not be equally operative on the 1st July, 1817? The sincerity, and the honor of the directors of the State banks, who have proposed the last date as the proper period for all the important reform contemplated, will not be impeached or doubted; but there is no legal obligation to conform to the proposition; and the occurrence of new incidents, or the perception of other views, may, hereafter, be thought to justify a change of council and of conduct. There is, then, no security for the Government, or the community, but in the inflexible adherence to the system which Congress has adopted.

Having reviewed the general course of the Treasury, as connected with the state of the currency, it becomes proper to exhibit more particularly the fiscal results; 1st, in relation to the appropriations and payments for the year 1816; 2dly, in relationto the receipts at the Treasury in 1816; 3dly, in relation to the public debt; and, 4thly, in relationto the miscellaneous business of the Department. It must, however, be remembered that, until the accounts of the Treasurer shall be finally balanced and settled, the statements, which have been officially furnished by the Register for the immediate purposes of the present report, are to be regarded in the light of estimates, subject to such changes as the ultimate examination of the accounting officers may produce. But it is not believed that any essential variance will occur.

1st. *Of the appropriations and payments for the year* 1816.

The demands authorized to be made by acts of appropriation on the Treasury for the year 1816, (independent of the unsatisfied balances of appropriations for former years, not carried to the surplus fund,) amounted to the sum of		$32,475,303 93
For the Civil Department, foreign intercourse, and miscellaneous expenses, the sum of	$3,540,770 18	
For the Military Department	$794,250 75	
Arrearages	8,935,372 00	
	16,729,622 75	
For the Naval Establishment	4,204,911 00	
For the public debt	8,000,000 00	
	$32,475,303 93	
The payments made at the Treasury, on account of the above appropriations, stated to the 1st day of August, 1816, amounted to the sum of		26,332,174 89
For the Civil Department, foreign intercourse, and miscellaneous expenses the sum of	$1,829,015 02	
For the Military Department	$4,235,236 75	
Arrearages	8,935,372 00	
	13,170,608 75	
For the Naval Department	1,977,788 50	
For the public debt, ($1,354,762 62, being part of the balance of the preceding year's appropriations,)	9,354,762 62	
The unexpended balances of appropriations for 1816, being	$26,332,174, 89	
To be credited, however, with the sum of $1,354,762 62, taken as above stated, from the last year's balance of appropriations for the public debt		$6,143,129 04
But it is estimated that the demands on the Treasury, from the 1st of August to the 31st December, 1816, will amount to to the sum of		$12,413,524 33
For the Civil Department, foreign intercourse, and miscellaneous expenses	$1,629,494, 90	
For the Military Department	3,579,236 66	
For the Naval Department	2,986,432 77	
For the public debt, including the payment to be made on the 1st of January, 1817	4,218,360 00	
	$12,413,524 33	
And the unexpended balance of the appropriations for 1816, amounting only, as above stated, to the sum of		6,143,129 04
There is a general deficit in the appropriation, for which provision must be made by law, amounting to the sum of		6,270,395 29

Connected with these statements it may be useful to add, that, of the appropriations granted prior to the 1st of January, 1816, there remained on that day, unexpended, the sum of - $7,972,277 86

For the Civil Department, foreign intercourse, and miscellaneous expenses - - - - - - -	$2,562,363 51	
For the Military Department - - - - - -	20,222 66	
For the Naval Department - - - - - -	759,310 27	
For the public debt - - - - - - -	4,630,381 42	
	$7,972,277 86	

And at the end of the year 1816, the appropriation for the Military Department, the Naval Department, and the public debt will probably be exhausted; but there will remain an unexpended balance of the appropriations for the Civil Department, foreign intercourse, and miscellaneous expenses, estimated at about the sum of - - - - - - - $2,642,623 77

2d. *Of the receipts into the Treasury in* 1816.

It is not within the scope of this report to enter into the details of that portion of the revenue which has accrued, but has not become payable, nor to distinguish between the amount produced under the old or war, or under the new or peace system of revenue. The main object is to exhibit the actual receipts of revenue at the Treasury from the 1st of January to the 1st of August, 1816, and which have arisen from the following sources:

1. From cash in the Treasury, (deducting an item of $6,692,407 55 in Treasury notes, which have been paid for duties and taxes,) as subject to the future settlement of the Treasurer's accounts, at - - - - - - - - - - $6,298,652 26

2. From revenue, including what was outstanding at the commencement of the year, to wit:

Customs, (subject to a deduction for debentures paid during the same period, of $1,829,564 33,) - - - - - - -		$21,354,743 74	
Direct tax, (independent of the assumed quota,) -	3,050,000 00		
Assumed, after deducting 15 per cent. by New York -	365,320 38		
Do. do. by Ohio -	88,527 62		
Do. do. by South Carolina	129,119 66		
Do. do. by Georgia -	80,696 02		
		3,713,963 68	
Internal duties - - - - - - - -		3,864,000 00	
Postage and incidental receipts - - - - -		127,025 38	
Sales of public lands, excluding $211,440 50 received in the Mississippi Territory, but to be paid to Georgia - - - -		676,710 40	
			29,736,443 20
Total amount of receipts from the revenue and cash in the Treasury - -			36,035,095 46
3. From loans and Treasury notes:			
Loans—6 per cent. stock of 1814 - - - - -		204,889 23	
Do. do. - - - - - -		87,902 08	
Do. of 1815 - - - - -		335,447 90	
Seven per cent. stock, by the issue reissued, and sale of small Treasury notes which were funded - - - - -		4,289,089 00	
Total amount of receipts from loans - - - - - - -			4,917,328 21
Treasury notes, of the new emission, bearing interest -		$2,868,900 00	
Of small Treasury notes - - - - - -		2,004,597 00	
Total amount of receipts from Treasury notes - - - - -			4,873,497 00
Making the amount received into the Treasury, from the 1st January to 1st August, 1816, including the cash in the Treasury at the former date, the sum of - -			$45,825,920 67
And, as it is computed that between the 1st of August and the 31st of December, 1816, there will be further received at the Treasury the sum of - - -			19,876,710 40
From the customs - - - - - - -		$16,500,000 00	
The direct tax - - - - - - -		1,000,000 00	
Internal revenue - - - - - - -		1,600,000 00	

The sales of public lands, excluding the receipts in the Mississippi Territory, to be paid to the State of Georgia - - -	676,710 40	
Postage and incidental receipts - - - - -	100,000 00	
	$19 876,710 40	
Making the whole of the estimated receipts for the year 1816, the sum of - -		65,702,631 67

SUMMARY.

First. 1. From the foregoing estimates and statements, it appears that the receipts into the Treasury, (including the cash on deposite at the commencement of the year 1816,) from the 1st of January to the 1st of August, 1816, may be stated, subject to such alterations as shall occur in the final settlement of the Treasurer's accounts, at - - - - - - $45,825,920 67

2. And that the payments at the Treasury for the same period may be stated at - 26,332,174 89

Making an excess of receipts beyond the payments at the Treasury, from 1st January to 1st August, 1816, at - - - - - - - - - $19.493,745 78

Second. 1. From the foregoing estimates and statements it appears that the receipts at the Treasury, as above stated, from the 1st of January to 1st of August, 1816, excluding the amounts in the Treasury at the first date, have amounted to - - $39,527,268 41

2. And that the probable receipts at the Treasury, from the 1st of August to the 31st of December, may be estimated at - - 19,876,710 40

Making the whole of the estimated receipts at the Treasury, for 1816, exclusive of the cash in the Treasury on the 1st of January, the sum of - - - $59,403,978 81

3. But, from the foregoing statements, it also appears that the payments at the Treasury, from the 1st of January to the 1st of August, 1816, amounted to the sum of - - - - - - - $26,332.174 89

4. And that the demands on the Treasury, from the 1st of August to the 31st of December, 1816, are estimated at the sum of - 12,413,524 33

Making the whole of the estimated payments and demands at the Treasury, for 1816, the sum of - - - - - - - - - - 38,745,699 22

And leaving an excess of the estimated receipts beyond the estimated payments and demands at the Treasury, for 1816, exclusive of the sum in the Treasury on the 1st of January, 1816, amounting to - - - - - - - 20,658,279 59

A general statement of the sums paid monthly at the custom-houses for duties on merchandise imported into the United States, and of the sums repaid monthly upon debentures issued for the drawback of the duties on importation, has been prepared, embracing the period from March, 1815 to July, 1816, both months inclusive. From this document it appears,

1. That the aggregate of the duties received at all the custom-houses of the United States, during the above specified period, amounts to the sum of - - - - $28,271,143 50

2. That the aggregate of the debentures paid during the same period, amount to the sum of - - - - - - - - - - 2,624,421 66

Leaving the amount of duties, for the above specified period, (subject only to a deduction of the expenses of the collection,) at the sum of - - - - $25,646,721 84

3. That the aggregate of the duties received at the custom-houses of the United States, from March to December, 1815, both months inclusive, amounts to the sum of - $6,916,399 76

4. That the aggregate of the debentures, paid during last-mentioned period, amounts to the sum of - - - - - - - - - 794,857 33

Leaving the amount of duties for the last-mentioned period, (subject only to a deduction for the expenses of collection,) at the snm of - - - $6,121.542 43

5. That the aggregate of the duties received at all the custom-houses of the United States, from January to July, 1816, both months inclusive, amounts to the sum of $21,354,743 74

6. That the aggregate of the debentures, paid during the same period, amounts to the sum of - - - - - - - - - 1,829,564 33

Leaving the amount of duties for the last-mentioned period, (subject only to a deduction for the expenses of collection,) at the sum of - - - $19,525,179 41

State of the Finances.

The districts in the United States have contributed in very different proportions to the results in the collection of the customs, which have been thus generally stated. The following abstract will afford a comparative view of the importations into some of the principal districts, (those whose importations have produced duties exceeding $400,000,) from March, 1815, to July, 1816, both inclusive.

DISTRICTS.	Duties.	Debentures.	Revenue subject only to expense of collection.
New York	$9,926,188 30	$933,394 65	$8,992,793 65
Philadelphia	5,085,206 65	423,636 72	4,661,569 93
Boston	3,579,130 77	477,487 91	3,101,642 86
Baltimore	3,339,101 11	396,633 42	2,942,467 69
Charleston	1,047,546 73	86,392 49	961,154 24
New Orleans	732,083 13	15,669 02	716,414 11
Savannah	521,287 88	3,690 56	517,597 02
Norfolk	491,150 36	19,364 65	471,785 71

NOTE.—This statement exhibits the amount of money actually paid into the Treasury at those ports, and not the amount of duties which accrued during that period.

3. *Of the Public Debt.*

In a supplement to the annual Treasury report of December, 1815, made to the House of Representatives on the 28th of February, 1816, it appears that the balance of the whole of the public debt contracted prior to the late war amounted on the 12th of February, 1816, to - - - - - - - - $38,335,832 58

The amount which has since been reimbursed of the principal of the old six per cent. and deferred stocks, besides the payments of the interests, is the sum of - 556,558 26

And at this time the balance of the whole of the public debt contracted before the late war amounts to the sum of - - - - - - - $37,779,274 32

In the same supplemental report it further appears that the estimated amount of the whole of the public funded debt, contracted in reference to the lats war, amounted on the 12th of February, 1816, to the sum of - - - - - - 68,374,764 94

To this amount there has been since added the following items:

1. In six per cent. stock to pay the Bank of South Carolina, according to the contract for a loan made to General Pinckney, under the authority of the War Department, the amount being included in the appropriation for the military service - - - - - - - - $43,956 04
2. In six per cent. stock to pay the Union Bank of Charleston, South Carolina, according to the contract for a like loan, the amount being included in the appropriation for the military service - 43,956 04
3. In six per cent. stock of 1815, in lieu of Treasury notes funded at 95 per cent. under the loan of 1815, and which thus operated to render the amount of the floating debt - - - - - 335,447 90
4. In six per cent, stock, in lieu of Treasury notes funded at par, (as far as has been ascertained,) and which thus operates to reduce the amount of the floating debt, estimated at - - - - - 9,200 31
5. In seven per cent. stock, in lieu of small Treasury notes funded at par, (as far as has been ascertained,) and which thus operated to reduce the amount of the floating debt, estimated at - - 4,289,089 00

Amount of the addition since the 12th February, 1816, to the public funded debt, contracted in reference to the war - - - 4,721,649 29

Estimated amount of the whole of the funded debt at this time, contracted in reference to the late war - - - - - - - - - $73,096,414 23

In the same supplemental report it appears that the amount of the floating public debt on the 12th of February, 1816, was estimated at the sum of - - - $16,920,115 41

To this sum there has since been added the following items:

1. There have been issued and re-issued small Treasury notes, as is estimated at - - - - - - - - $2,004,597 00

2. There having been issued Treasury notes bearing interest, as estimated at		2,861,900 00	
			4,873,498 00
3. There have been obtained temporary loans from the banks in the District of Columbia, under the act providing for the reconstruction of the public buildings, in addition to the loan of $100,000 stated in the supplemental report		$50,000 00	
4. There has been obtained a temporary loan from the Farmers' Bank of Virginia to pay a warrant of the War Department in favor of the Governor of Virginia, to pay for militia expenses during the war		150,000 00	
			200,000 00
			$21,993,612 41
But the floating debt has been diminished since the 12th of February, 1816, in the following manner:			
1. By the subscription of Treasury notes to the six per cent. loan of 1815, as above stated		$318,675 52	
2. By funding Treasury notes at par for six per cent. stock, as above stated		9,200 31	
3. By funding small Treasury notes for seven per cent. stock, as above stated		4,289,089 00	
4. By the payment in Treasury notes of duties and taxes estimated to have amounted in Treasury notes bearing interest to the sum of	$7,217,853 58		
In small Treasury notes, to	150,000 00		
		7,367,853 58	
5. By the repayment of temporary loans, viz:			
To the Bank of Columbia, on account of the public buildings	$225,000 00		
To the State of New York, on account of the militia, (principal)	350,000 00		
To the Farmers' Bank of Virginia, (principal)	150,000 00		
		725,000 00	
			12,709,818 41
Estimated amount of the whole of the floating debt at this time			*$9,283,794 00
* Outstanding Treasury notes		$8,733,794 00	
Temporary loans		550,000 00	
		$9,283,794 00	

A more general view of the issues and reimbursements of Treasury notes has been presented by the Register, to show the amount outstanding on the 1st August, 1816; from which it appears—

1. That the issues have been, under the act of Congress of June 30, 1812					$5,000,000 00
Do.	do.	do.	of February 25, 1813		5,000,000 00
Do.	do.	do.	of March 4, 1814		10,000,000 00
Do.	do.	do.	of December 26, 1814		8,318,400 00
Do.	do.	do.	of February 25, 1815—		
Notes bearing interest				$4,422,400 00	
Small Treasury notes, without interest				3,392,994 00	
					7,815,394 00
Total amount of issues of Treasury notes					$36,133,794 00
2. That the reimbursements by payments, when the notes became due by subscription to the loan of 1815, and by satisfying duties and taxes, have amounted to				$29,467,407 16	
Deduct estimated amount of interest, included therein				2,067,407 16	
					27,400,000 00
Leaving an outstanding balance of Treasury notes of every denomination, on the 1st of August, 1816, amounting to the sum of					$8,733,794 00
The amount reimbursed, as above stated, including interest, being					$29,467,407 16

Consists of Treasury notes cancelled, including interest thereon, and in a course of cancelment at the Treasury, amounting to - -	$12,904,986 00	
And of Treasury notes, including interest deposited in the several banks to the credit of the Treasurer, as appears from his statement	16,562,421 16	
		$29 467.407 16

The balance of $8,733,794, exclusive of interest thereon, is still subject to a reduction for the amount of Treasury notes in the hands of collectors and receivers, not deposited in the banks on the 1st of August, 1816. There can, therefore, be no doubt that, during the five subsequent months of the present year, the whole of the floating public debt in Treasury notes, as well as temporary loans, will be extinguished, agreeably to the anticipations which were expressed upon that subject.

From the preceding estimate it appears that, at this time, the aggregate amount of the public debt is the sum of - - - - - - - - - - $120,159,482 55

Consisting of the following items:

1. Funded public debt before the late war - - -	$37,779.274 32	
2. Funded public debt contracted since the late war - -	73,096.414 23	
3. Floating public debt outstanding - - - -	9.283,794 00	
	$120.159 482 55	

The aggregate amount of the public debt, as is estimated on the 12th February, 1816, being the sum of - - - - - - - - - 123,630,692 93

The aggregate reduction since that period, amounts to the sum of - - $3.471,210 38

The funded public debt will, unavoidably, be augmented, as long as the disordered state of the currency shall compel the Treasury to make any of its payments in small Treasury notes, fundable at seven per cent.; and the necessity of issuing Treasury notes, bearing interest, from the same cause, will also, in some degree, augment the funded debt, while it retards the extinguishment of the floating debt, for which the revenue is otherwise ample. To render the funds of the Treasury as active as possible, however, they have been applied to pay off the temporary loans by anticipation; those obtained in Boston and Maine (making together $550,000) being the only loans for which the local currency could not be provided. It would have been desirable, indeed, to have employed some of the public funds in the purchase of the public stock where it has fallen below par; but, upon examination, it was found that the appropriation for the Sinking Fund did not admit of that operation, for—

The balance of the appropriation of the preceding year applicable to the Sinking Fund, and remaining on the 1st of January, 1816, was - - - - - -		$4,630.381 42
And the appropriation for the year 1816 was - - - - - -		8,000,000 00
		$12,630,381 42
Of which there was expended to the 30th of June, 1816 - -	$9.354 762 62	
And the probable demand to the 1st of January, 1817, inclusive, is -	4 218 360 00	
		13,573,122 62
Leaving a deficit, which must be supplied as soon as the next session of Congress opens, amounting to - - - - - - - - - -		$942 741 20

Another item will be added to the public debt by the creation of the five per cent. stock, in payment for the shares held by the Government in the capital of the Bank of the United States; and it may be proper to bring into view the Mississippi stock, created upon the settlement of what are usually called "the Yazoo claims," amounting, on the 30th of August, 1816, to the sum of $4,241,725 80. It will be observed, however, that the five per cent. stock is, in effect, an exchange for another capital, producing probably a higher rate of interest; and that the Mississippi stock bears no interest, and is only eventually reimbursable out of the proceeds of the sales of public lands.

For the payment of the interest, both of the old and new debt, and for the reimbursement of the instalment of the principal of the old debt, due on the first of October next, provision has been made by the Treasury; remittances have also been made to the bankers of the United States in London and Amsterdam, for the payment of the interest on the Louisiana stock, payable at those places, respectively, on the 1st of July, 1816, and the 1st of January, 1817. And, so far as depends upon this Department, funds have been supplied to meet all the demands upon the Government of the United States, upon the various general accounts which are open there—

For the interest on the Louisiana stock;

For foreign intercourse, including the diplomatic fund;

For the maintenance of prisoners of war; and

For the support of American seamen in foreign countries.

4. *Of the miscellaneous business of the Department.*

The several important objects confided to the Department, independent of its merely fiscal duties, have received attention.

Without entering into a minute enumeration of them, the following are proper to be selected for notice:

1. *The survey of the coast.*—The necessary instruments having been secured, Mr. Hassler has been employed as the superintendent of the work, upon the principle and terms stated in his letter of instructions, dated the 3d of August, 1816.

2. *The road from Cumberland to Ohio.*—The course of the road having been confirmed by the President, from Cumberland to Uniontown, thence to Brownsville, thence through Washington and Alexandria to Wheeling, Colonel Eli Williams has been employed to survey and locate the road from Brownsville to Wheeling, as well as to examine the deviations which have been made by Mr. Shriver, from the route originally proposed by the Commissioners. Several plans have also been suggested for dividing the road into sections, and for expediting the work. But the difficulties which have arisen require immediate care and attention, and may be traced in the correspondence between this Department and Colonel Williams and Mr. Shriver.

3. *The Custom-house establishment.*—The 8th section of the act of the 30th of April, 1816, has appropriated $250,000 for custom-house establishments, upon a suggestion from this Department to the Committee of Ways and Means, with a view to the accommodation of the five principal commercial cities, to wit: Boston, New York, Philadelphia, Baltimore, and Charleston. The only establishment previously owned by the Government was the custom-house at New Orleans. From the correspondence with the respective collectors, and reports which have been made to the President, it will appear that the purchase of

a custom-house at Boston has cost -	$29,000
That a purchase has been authorized at New York, at a price not exceeding	55,000
That a purchase has been authorized at Philadelphia, at a price for the site, and the buildings to be erected, which will probably amount to -	65,000
That a negotiation has taken place with the trustees for building an Exchange at Baltimore, who offer to erect and convey to the Government a suitable establishment, being part of the Exchange, for - -	70,000
And that a site and buildings may be purchased at Charleston for the sum of - - - - - - - -	50,000
	$269,000
But the appropriation only amounts to	250,000
Leaving a deficit of - -	$19,000

Upon this statement it is proposed to suspend the purchase at Baltimore until an additional appropriation can be obtained; but to complete the purchase of the establishments in New York, Philadelphia, and Charleston, upon an enlarged scale, and more adequate to the growing commerce of those cities.

4. *The Legislative calls for information.*—Several resolutions were passed, during the last session of Congress, requiring information at the next session upon various subjects; and arrangements have been made to enable the Department to report. The resolutions and correspondence on file will furnish you the particulars.

5. *The case of Hoyt vs. Gelston et al.*—In consequence of instructions issued from the Treasury Department, by authority of the President, the collector and surveyor of the port of New York seized the ship called the "American Eagle," under the charge of being illegally armed and equipped within the United States, for the purpose of waging hostilities against a friendly foreign Power. Upon a trial in the district court of New York the vessel was ordered to be restored, and the judge refused to grant a certificate that there was a probable cause of seizure. The owner brought an action of trespass against the seizing officers in the State courts, and recovered damages to the amount of $107,369 43. The cause has been transferred by order of the President from the court of errors in New York to the Supreme Court of the United States, where it is now depending for a final judgment, and, probably, the judgment will be rendered at February term next. As the collector and surveyor acted in obedience to their orders, they appear to be entitled to an indemnity from the Government; the subject was, therefore, submitted to the Committee of Ways and Means at the last session, and a report was made by the committee in favor of the proposed indemnity. It is important that the report should be taken up and decided early in the next session. All the facts and proceedings in the case may be traced in the report of this Department to the Senate, during the session ending in 1816, and in the report to the Committee of Ways and Means during the session.

6. *The direct tax of Georgia.*—The Legislature of Georgia assumed the quota of the direct tax imposed upon that State for 1816; but the Governor did not give notice of the assumption, within the period prescribed by law, although the amount of the tax was remitted to the Treasurer in certain drafts, before the day fixed for paying it, in order to entitle the State to the abatement of fifteen per cent. Under these circumstances the gross amount of the quota has been paid into the Treasury, subject to the relief which Congress may hereafter provide.

All which is respectfully submitted.

A. J. DALLAS.

Treasury Dep't, *Sept.* 20, 1816.

POSTCRIPT.

The Secretary of the Treasury has the honor to add, that certain occurrences, happening since the foregoing report was presented, merit observation.

1. The situation of the public credit and resources at Boston has enabled the Treasury to discharge the loan of $500,000, long due to the State bank, in the following manner:

By a draft for cash, amounting to	$130,000
By a draft for Treasury notes of the new emission, bearing interest at their par value	370,000
	$500,000

2. The situation of the Treasury has authorized an additional notice for the payment of Treasury notes, payable in New York.

3. The existing prospect justifies an expectation that the Treasury will be able to pay all its engagements in the Eastern States with the local currency, before the expiration of the present year.

A. J. DALLAS.

TREASURY DEP'T, *Sept.* 30, 1816.

STATE OF THE FINANCES.

[Communicated to the House of Representatives, December 20, 1816.]

In obedience to the directions of the act supplementary to the act, entitled "An act to establish the Treasury Department," the Secretary of the Treasury respectfully submits the following report and estimates:

REVENUE.

The net revenue arising from duties on merchandise and tonnage, internal duties, direct tax, public lands, postage, and incidental receipts which accrued during the year eighteen hundred and fourteen, (1814,) amounted to $11,500,606 25

And that which accrued from the same sources during the year 1815, amounted to 49,893,219 02

VIZ:

Customs, as appears by statement	A	36,643,598 77	
Internal duties	B	5,963,225 88	
Direct tax	C	5,723,152 25	
Public lands		1,287,959 28	
Postage and incidental receipts		275,282 84	
		49,893,219 02	

The revenue which has accrued from the same sources during the first three quarters of the year eighteen hundred and sixteen, (1816,) and that which will accrue during the remaining quarter, is estimated to amount to $38,650,000 00

VIZ:

Customs	$30,000,000 00
Internal duties	4,150,000 00
Direct tax (net proceeds)	2,700,000 00
Public lands (exclusive of the receipts in the Mississippi Territory)	1,500,000 00
Postage and incidental receipts	300,000 00
	38,650,000 00

The receipts in the Treasury from the same sources during the year eighteen hundred and sixteen, (1816,) are estimated at $46,900,000 00

VIZ:

Customs	$36,000,000 00
Direct tax	4,200,000 00
Internal duties	4,900,000 00
Public lands	1,500,000 00
Postage and incidental receipts	300,000 00
	46,900,000 00

State of the Finances.

Receipts from loans and Treasury notes.

Loans under the act of 15th November, 1814			$243,911 39
Loans under the act of 3d March, 1815			318,675 52
Do. temporary loans			150,000 00
Amount annually borrowed to 30th September, 1815			712,586 91
Treasury notes: amount issued prior to the 1st of October, 1816, under the act of 24th February, 1815.			
Notes bearing interest per statement L	4,274,800 00		
Small Treasury notes not bearing interest, amount issued and reissued	5,773,168 00		
		10,047,968 00	
			10,760,554 91
Making the total amount estimated to be actually received in the Treasury during the year 1816			57,660,554 91
Cash in the Treasury at the commencement of the year (including an item of $6,361,125 43 in Treasury notes,) which had been paid for duties and taxes			13,106,592 88
Making the amount estimated to be actually received into the Treasury during the year, including the sum in the Treasury on the first day of January last			70,667,147 79

The application of the moneys actually received into the Treasury during the year 1816, will be as follows: To the 30th of September the payments have amounted to the following sums nearly, (the accounts being not yet made up, the precise number cannot be given.)

For civil, diplomatic, and miscellaneous expenses			2,359,404 99
Military service, (including an arrearage of $11,212,560 00)			14,079,009 27
Naval service			2,707,009 27
Public debt, viz:			
Interest and reimbursement	$8,009,936 34		
Reimbursement and interest of Treasury notes	5,606,650 24		
		13,616,586 58	
			$32,762,416 84

During the fourth quarter of the year the payments are estimated to amount to the following sums, viz:

For civil, diplomatic, and miscellaneous expenses			750,000 00
Military service			2,450,000 00
Naval service			1,200,000 00
Public debt, viz: interest and reimbursement to the 1st of January, 1816, inclusive	2,100,000 00		
Reimbursement of Treasury notes	13,000,000 00		
		15,100,000 00	
			19,500,000 00
			52,262,416 84
The receipts into the Treasury during the year have been estimated at			57,660,564 91
And the balance at the commencement			13,106,592 33
			70,767,147 79
Leaving in the Treasury on the 1st of January, 1817, the sum of			18,504,730 95

Of which sum it is estimated that $10,000,000 will be in cash, and the remainder in Treasury notes, principally issued under the act of the 24th of February, 1815, which cannot be reimbursed without an appropriation for that purpose.

Notwithstanding the favorable situation of the Treasury, the disordered state of the currency still continues to embarrass the fiscal operations of the Government. The expectation which had been formed, that the demands upon the Treasury, in the Eastern section of the Union, might be paid in the local currency by the end of the year, has not been realized. To discharge the claims in that quarter, arising from the interest and reimbursement of the public debt, which will be payable on the 1st of January next, small Treasury notes must he issued, or a temporary loan must be obtained from the Bank of the United States, to the amount of those demands. The latter alternative has been embraced, and a proposition for that purpose has been made to the bank, and has been favorably received by it.

When those claims are satisfied there will be no further embarrassment until the next quarterly payment of interest. To prevent the necessity of resorting again to loans for that object, the reissue of Treasury notes of all descriptions should be discontinued. When this course is adopted, and

persevered in, the revenue in that quarter will be collected in current money, and will be more than sufficient to satisfy all the claims of the public creditors. The more certainly to effect that object, it is respectfully recommended that an appropriation be made, during the present session of Congress, for the reimbursement of the whole of the Treasury notes, issued under the act of the 24th of February, 1815. The Treasury notes issued under the preceding laws have either been reimbursed or provision made for that object during the last quarter of the year. The acts under which they issued having, by appropriations, provided for their reimbursement, no further appropriations are necessary for that purpose.

OF THE PUBLIC DEBT.

The funded debt contracted before the late war, which was unredeemed on the 1st of January, 1816, amounted, as per statement B, to		$38,340,906 77
By the same statement, it appears that the funded debt contracted on account of the late war, amounted, on that day, to		65,944,434 29
Making the whole funded debt, on the 1st of January, 1816, amount to		104,258,341 06
To which must be added temporary loans, viz:		
Due the State bank, Boston	500,000 00	
Cumberland bank, Maine	50,000 00	
Banks in the District of Columbia	175,000 00	
State of New York	350,000 00	
		1,075,000 00
Making an aggregate amount, on that day, of		105,350,341 06
To this amount there has been added, between the 1st day of January, 1816, and the 30th of September, the following sums, viz:		
6 per cent. stock of 1814	$229,801 31	
6 per cent. stock of 1815	335,448 90	
6 per cent. Treasury note stock	58,245 78	
7 per cent. Treasury note stock	4,570,621 00	
	5,257,116 99	
From which deduct temporary loans paid off	$1,025,000 00	
Reimbursement of old six per cent. stock and deferred stock	846,639 76	
	1,871,639 76	
		3,385,477 23
Making the whole public debt, on the 30th of September, 1816, as appears by statement C, amount to		108,745,818 29
Viz:—Old funded debt	37,494,267 01	
New funded debt	71,201,551 28	
Temporary loan	50,000 00	
	108,745,818 29	
Add the amount of seven per cent. stock, which it is estimated will be created during the last quarter of the year, by funding small Treasury notes		520,405 00
Makes the estimated amount of the public debt, on the 1st of January, 1817		109,266,223 29
The subscription to the Bank of the United States, on the part of the Government, will create five per cent. stock to the amount of		7,000,000 00
And the compromise with the Yazoo claimants has created stock to the amount of		4,098,615 29

But as the first is only an exchange for the same amount of bank capital, which will, probably, produce an excess of dividends beyond the interest payable on the stock, equal to the reimbursement of the principal, before the expiration of the charter, and the second bears no interest, and will, probably, be reimbursed by the sales of the public lands in the Mississippi Territory, during the three succeeding years, no further provision for their ultimate redemption appears to be necessary.

SINKING FUND.

According to the existing laws, the Sinking Fund consists of a permanent appropriation, $8,000,000 per annum, which is vested in the Commissioners of the Sinking Fund, to be by them applied to the payment of the interest of the public debt, and to the redemption of the principal. Of this sum there will be required, during the year 1817, for the payment of interest, $6,084,415 93; leaving the sum of $1,915,584 07 to be applied to the redemption of the principal of the debt. This sum,

operating upon the principle of compound interest, will not redeem the whole amount of the funded debt before the year 1842. An attentive examination of the rise and progress of public debts in other countries cannot fail to impress the American Republic with the necessity of making suitable exertions, in periods of peace, to release the national revenue from so heavy an encumbrance. Although, from our happy form of Government, and from our fortunate geographical position, we may reasonably calculate upon being less frequently subjected to the calamities of war than has hitherto fallen to the lot of other civilized nations, yet reason and experience forbid the expectation that we shall be exempted from its evils until the redemption of the public debt shall be effected by the operation of the existing Sinking Fund.

By referring to the laws authorizing the several loans, which, during the late war, have swelled the public debt to its present amount, Congress has uniformly pledged the faith of the nation to provide sufficient funds for the payment of the interest, and the redemption of the principal of the debt so created. The time has now arrived when that pledge ought to be redeemed. It is, therefore, respectfully proposed, that there be annually appropriated the sum of $2,000,000, in addition to the sum of $8,000,000, now applicable to the payment of the interest, and the redemption of the public debt; and that that sum be vested in the Commissioners of the Sinking Fund, to be applied in the same manner as the existing Sinking Fund. It is also proposed that when the six per cent. stock can be purchased at par, or the seven per cent. stock can be purchased at six per cent. premium, or when a greater amount can be redeemed, according to the conditions attached to the different loans, of which the funded debt is composed, than the amount of the Sinking Fund applicable to the redemption of the principal of the funded debt within any one year, there be paid to the Commissioners of the Sinking Fund the further sum of $1,000,000 out of any money in the Treasury not otherwise appropriated, if such payment can be made; leaving a balance in the Treasury, at the end of the year, of $2,000,000; which additional sum shall be applied to the redemption or purchase of the principal of the debt.

As the funded stock which may be subscribed by individuals to the Bank of the United States is redeemable at the will of the Government, and as the Louisiana stock is to be reimbursed in four annual instalments, commencing in the year 1818, the effect of the provision will be an annual addition of $1,000,000 for the succeeding six years, if the state of the Treasury will admit of its execution.

By the operation of the Sinking Fund, thus enlarged, the whole funded debt will be extinguished within the term of fourteen years. In the present unsettled state of the revenue, arising from the excessive importations of foreign merchandise during the previous and present year; from the change in the rate of duties imposed upon merchandise; and from changes made in the various branches of internal revenue, it would be unsafe to vest the whole of the surplus revenue of the present year in the Commissioners of the Sinking Fund, as there is strong reason to believe that the revenue which will accrue during the year 1817, will fall considerably below the permanent annual expenditure, inclusive of the addition proposed to be made to the Sinking Fund. That deficiency, as well as any other which may occur in the two succeeding years, will be covered by the balances which it is estimated will be in the Treasury on the 1st day of January, 1817 and 1818.

Of the estimate of the Public Revenue and Expenditures for the year 1816.

The probable authorized demands upon the Treasury, during the year 1817, are estimated to amount to		$21,751,797 57
Viz:—Civil, diplomatic, and miscellaneous expenses	$1,765,513 03	
Military service, (including an arrearage of $1,540,000,)	7,999,625 79	
Naval service, (including $1,000,000 for the permanent increase of the Navy,)	3,986,658 75	
Public debt	8,000,000 00	
	21,751,797 57	
Deduct war arrearage		1,540,000 00
		20,211,797 57
Add for annual incidental expenses, not embraced in the estimate		288,202 43
Making the permanent annual expenditure		20,500,000 00
To which add the sum proposed to the Sinking Fund		3,000,000 00
Making, in the whole, an aggregate amount for the permanent annual expenditure, until the public debt is redeemed, of		$23.500,000 00

The annual report of the Secretary of the Treasury, for the year 1815, estimated the revenue which would accrue during the year 1816, under the modifications proposed by that report to the existing laws for raising revenue, at - - - - - - - $25,600,000 00

State of the Finances.

Viz:—Customs	$17,000,000 00	
Internal duties	4,500,000 00	
Direct tax, (net proceeds,)	2,700,000 00	
Public lands	1,000,000 00	
Postage and incidental receipts	400,000 00	
	25,600,000 00	
But the revenue which has actually acrrued during the year is estimated, as already stated, at		38,650,000 00
Making an aggregate excess, beyond the estimate of the last year, of		$13,050,000 00

Which excess has arisen, principally, in the customs.

By the same report, the money receivable into the Treasury during the year 1816, arising, principally, from revenue which accrued during the year 1815, was estimated at		$33,400,000 00
Viz:—Customs	$21,000,000 00	
Internal duties	5,000,000 00	
Direct tax	6,000,000 00	
Public lands	1,000,000 00	
Postage, and incidental receipts	400,000 00	
	33,400,000 00	
But the actual receipts into the Treasury during the year, from those sources of revenue, are estimated at		49,600,000 00
Leaving an excess of receipts beyond the estimate, of		$13,500,000 00
The actual excess in the customs, beyond the estimate of 1815, being		$15,000,000 00
In the internal duties, direct tax, and postage, there is a deficit of		2,000,000 00
	13,000,000 00	
And an excess in public lands of		500,000 00
Making, as before stated, the whole excess		$13,500,000 00

The comparative statements just presented prove the extreme difficulty there was, in 1815, of making any estimate upon which reliance could be placed. The excessive importations of foreign merchandise, during the past and present year, have, but in a slight degree, diminished that difficulty. The revenue which accrued from imports and tonnage during the three first quarters of the year 1816, have averaged $9,000,000 a quarter; while that which will have accrued during the last quarter is estimated at not more than one-third of that sum. As the redundancy of foreign merchandise in the country, which has produced this extraordinary reduction of duties in the fourth quarter of the year, will continue to influence the importations of the year 1817, the revenue accruing from that source, during the year, probably cannot be safely estimated above $12,000,000.

We must look, therefore, to the revenue accruing in the year 1818 as the average revenue arising from duties and taxes of a permanent character, by which the permanent expenditure of the Government should be regulated. From the facts in the possession of the Department, the revenue which will accrue during the year is estimated as follows, viz:

Customs	$18,000,000 00	
Internal duties	2,500,000 00	
Public lands	1,500,000 00	
Postage and incidedtal receipts	250,000 00	
Making an aggregate amount of		$22,250,000 00
In the year 1819, the first instalment of the bonus, payable to the Bank of the United States, becomes due		500,000 00
During the same year it is believed that the claim of the State of Georgia will be paid, and the Mississippi stock will be absorbed by the sale of the public lands in the Mississippi Territory, which will give an additional revenue from the public lands for the year 1820, and for subsequent years, of		1,500,000 00
Making the revenue for the year 1820 amount to		$24,250,000 00

Which may be estimated as the permanent annual revenue after that period.

State of the Finances.

But the receipts into the Treasury, during the year 1817, are estimated as follows, viz:		
Customs	$24,000,000 00	
Internal duties	2,900,000 00	
Direct tax, (outstanding and receivable that year,)	2,000,000 00	
Public lands	1,500,000 00	
Postage and incidental receipts	250,000 00	
		30,650,000 00
To which add the balance in the Treasury on the 1st day of that year		10,000,000 00
Total ways and means for 1817		40,650,000 00
The expenditure for that year, as before stated, including the proposed addition to the Sinking Fund, is estimated to amount to		25,000,000 00
Leaving a balance in the Treasury on the 1st day of January, 1818, of		$15,650,000 00

Ways and Means for 1818.

Balance in the Treasury as before stated	$15,650,000 00	
Customs	12,000,000 00	
Internal duties	2,500,000 00	
Public lands	1,500,000 00	
Postage, and incidental receipts	250,000 00	
		$31,900,000 00
The permanent expenditure, including the proposed addition to the Sinking Fund, has been estimated at		23,500,000 00
Balance in the Treasury on the 1st of January, 1819, estimated at		$8,400,000 00

Ways and Means for 1819.

Balance in the Treasury as above stated	$8,400,000 00	
Customs	18,000,000 00	
Internal duties	2,500,000 00	
Public lands	1,500,000 00	
Bonus from the United States Bank, payable this year	500,000 00	
Postage, and incidental receipts	250,000 00	
		$31,150,000 00
Permanent expenditure as before stated		23,500,000 00
Leaving in the Treasury, on the 1st day of January, 1820, a balance of		7,650,000 00
After which period, the permanent revenue, as before stated, is estimated to exceed the permanent expenditure, taken as the basis of this report, by the annual amount of		750,000 00
Making an excesss of revenue beyond the estimated expenditure during the next four years, of		$8,400,000 00

Applicable to such objects of internal improvement or national defence as the wisdom of Congress may direct.

All which is respectfully submitted.

WM. H. CRAWFORD, *Sec'ry of the Treasury.*

TREASURY DEPARTMENT, *Dec.* 16, 1816.

A.

Statement exhibiting the amount of duties which accrued on merchandise, tonnage, passports, and clearances of debentures issued on the exportation of foreign merchandise, and of expenses of collection, during the year 1815.

Merchandise	$38,068,890 30
Tonnage, &c.	618,341 00
Passports	15,932 00
Debentures issued	1,650,671 91
Gross revenue	37,052,492 26
Expenses on collection	408,893 49
Net revenue	36,643,598 77

B.

Statement of the funded debt of the United States, and of temporary loans, on the 1st of Jan'y, 1816.

Funded debt, exclusive of the sum passed to the credit of the Sinking Fund:			
Six per cent. stock	$17,250,871 41		
Three per cent. stock	16,158,189 79		
Deferred stock	9,358,320 34		
Louisiana stock	10,923,500 00		
Six per cent. stock of 1796	80,000 00		
Exchanged six per cent. stock of 1812	2,984,746 72		
		56,755,619 26	
Six per cent. stock of 1812, 11 million loan	$7,810,500 00		
Six per cent. stock of 1813, 16 million loan	18,109,377 43		
Six per cent. stock of 1813, 7½ million loan	8,498,581 95		
Six per cent. stock of 1814, 25 million loan	15,661,818 54		
Six per cent. stock of 1815, 18,452,800 loan	11,952,700 74		
Six per cent. stock of Treasury notes, bearing interest, funded at par	2,481 63		
Seven per cent. stock of small Treasury notes funded	3,908,974 00		
		65,954,434 29	
			$122,700,053 55
Temporary loans—			
Due to the State Bank, Boston	$500,000 00		
Due to the Cumberland Bank, Maine	50,000 00		
Due to the banks in the District of Columbia	175 000 00		
Due to the State of New York	350,000 00		
			1,075,000 00(*a*)
			$123,775,053 55
Nominal amount of the funded debt and temporary loans, 1st January, 1816			$123,775,053 55
Deduct reimbursement of the old six per cent. and deferred stocks to the 31st December, 1815, per Treasury settlements		$24,341,990 68 (*b*)	
From this sum deduct reimbursement paid, or stock subsequently transferred to the sinking fund	$28,748 02		
And the difference between the nominal amount of six per cent. and deferred stock exchanged, and the amount of exchanged stock issued in lieu thereof	5,898,530 17		
		5,927,278 19	
			$18,414,712 49
Unredeemed amount 1st January, 1816			$105,360,341 06(*c*)
Nominal amount, as above stated, brought down			$123,775,053 55

SINKING FUND.

The following sums are in the Treasury books, passed to the credit of this fund:

Foreign Debt.

5 per cent. stock	$8,200,000 00	
4½ per cent. stock	820,000 00	
4 per cent. stock	3,180,000 00	
		$12,200,000 00

Domestic Debt.

6 per cent. stock	$1,946,026 92
3 per cent. stock	698,555 41
Deferred stock	1,005,179 83
8 per cent. stock	6,482,500 00
Exchanged 6 per cent. stock	6,294,051 12
Converted 6 per cent. stock	1,859,850 70

State of the Finances.

4½ per cent. stock	$176,000 00		
5½ per cent. stock	1,848,900 00		
Navy 6 per cent. stock	711,700 00		
Louisiana stock	326,500 00		
6 per cent. stock of 1812	324,200 00		
		$21,673,463 98	
			$33,873,463 98
			(*d*) $147,643,517 53

Notes.

(*a*) Amount of temporary loans unpaid 1st January, 1815 - $600,000

Received into the Treasury in 1815—

From the City Bank, New York	$200,000	
Mechanics' Bank, New York	200,000	
Manhattan Bank do	200,000	
Mechanics' Bank do	75,000	
Bank of America do	75,000	
Manhattan Bank do	75,000	
City Bank do	75,000	
Mechanics' Bank do	200,000	
State of New York	350,000	
Banks in the District of Columbia	175,000	
Bank of Virginia	450,000	
Farmers' Bank of Virginia	200,000	
	$2,275,000	
	$2,875,000	
Paid off in 1815 per public printed accounts	1,800,000	
Amount as above stated	$1,075,000	

(*b*) This is the aggregate of the several annual settlements predicated on the quarter-yearly dividends payable from 1st January, 1796, inclusive, and, after making the deductions herein stated, will, on the full payment of the old six per cent. and deferred stocks, accord with their present nominal amount.

(*c*) Unredeemed amount 1st January, 1815			$89,110,337 20
Additions in 1815—3 per cent. stock	$3 36		
6 per cent. stock, 1812	50,000 00		
6 per cent. stock, 1814	1,426,967 29		
6 per cent. stock, 1815	11,952,700 74		
6 per cent. Treasury notes funded	2,481 63		
7 per cent. small do do	3,908,974 00		
	$17,341,127 02		
Temporary loans	2,275,000 00		
	$19,616,127 02		
Deduct reimbursements of old 6 per cent. and deferred stocks in the year 1815	$1,566,123 16		
And temporary loans paid off	1,800,000 00		
		$3,366,123 16	
			$16,250,003 86
As above			$105,360,341 06
(*d*) Nominal amount, including Sinking Fund, 1st January, 1815			$139,832,390 51
Additions in 1815, including temporary loans			17,816,127 02
As above			$157,648,517 53

TREASURY DEPARTMENT, REGISTER'S OFFICE, *December* 10, 1816.

JOSEPH NOURSE, *Register.*

C.

Estimate of the funded debt of the United States, and of the temporary loans, on the 1st Oct., 1816.

FUNDED DEBT.

Exclusive of sums passed to the credit of the Sinking Fund:		
6 per cent. stock	$17,250,871 41	
3 per cent. stock	16,158,180 79	
Deferred stock	9,358,320 34	
Louisiana stock	10,923,500 00	
6 per cent. stock of 1796	80,000 00	
Exchanged 6 per cent. of 1812	2,984,746 72	
		$56,754,619 26
Six per cent. stock of 1812, 11 million loan	$7,810,500 00	
Ditto do of 1813, 16 do	18,109,387 43	
Ditto do of 1813, 7½ do	8,498,581 95	
Ditto do of 1814, 25⅔ do	15,954,619 85	
Ditto do of 1815, 18,452,800 loan	12,288,149 64	
Six per cent. stock, Treasury notes per 25th February, 1815, funded	60,727 41	
Seven per cent. stock, small Treasury notes, funded	8,379,595 00	
		71,201,551 28
		$127,957,170 54

Temporary Loans.

Due Cumberland Bank, Maine	50,000 00
Nominal amount of funded debt and temporary loans, 1st October, 1816	$128,007,170 54
Deduct reimbursement of the old six per cent. and deferred stocks to the 31st of December, 1815, per Treasury settlements $24,341,990 68	
To the 1st October, 1816, estimated at 846,639 76	
$25,188,630 44	
Deduct, as per last annual statement 5,927,278 19	
	19,261,352 25
Unredeemed amount on the 1st October, 1816 (a)	$108,745,818 29
Nominal amount, as above stated, brought down	$128,007,170 54

SINKING FUND.

The following sums are, in the Treasury books, passed to the credit of this fund:

Foreign Debt.

Five per cent. stock	$8,200,000 00	
Four and a half per cent. stock	820,000 00	
Four per cent. stock	3,180,000 00	
	$12,200,000 00	

Domestic Debt.

Six per cent. stock	$1,946,026 92	
Three per cent. stock	698,555 41	
Deferred stock	1,005,179 83	
Eight per cent. stock	6,182,500 00	
Exchanged six per cent. stock	6,294,051 12	
Converted six per cent. stock	1,859,850 70	
Four and a half per cent. stock	176,000 00	
Five and a half per cent. stock	1,848,900 00	
Navy six per cent. stock	711,700 00	
Louisiana six per cent. stock	326,500 00	
Six per cent. stock of 1812	324,200 00	
	$21,673,463 98	
		$33,873,463 98
	(b)	$161,880,634 52

Notes.

(*a*) Unredeemed amount on the 1st January, 1816			$105,360,341 06
Additions to 1st October, 1816:			
Six per cent. stock of 1814	$292,801 31		
Six per cent. stock of 1815	335,448 90		
Treasury notes six per cent. stock	58,245 78		
Treasury notes seven per cent. stock	4,570,621 00		
		5,257,116 99	
			$110,617,458 05
Deduct temporary loans paid off	$1,025,000 00		
Deduct reimbursement of the old six per cent and deferred stock	846,639 76		
		1,871,639 76	
Unredeemed amount, as above			$108,745,818 29
(*b*) Nominal amount, including Sinking Fund, 1st January, 1816			$157,648,517 53
Additions in 1816			5,257,116 99
			$162,905,634 52
Deduct temporary loans paid to the State Bank, Boston	$500,000		
Banks in the District of Columbia	175,000		
The State of New York	350,000		
		1,025,000 00	
Nominal amount, as above			$161,880,634 52

TREASURY DEPARTMENT, REGISTER'S OFFICE, *December* 19, 1816.

JOSEPH NOURSE, *Register.*

DUTY ON STILLS.

[Communicated to the House, January 13, 1817.]

TREASURY DEPARTMENT, *Jan.* 13, 1817.

SIR: In obedience to a resolution of the House of Representatives, of the 9th of March, 1816, requiring the Secretary of the Treasury "to report to the next session of Congress, whether any, and, if any, what alterations are necessary to equalize the duty on the capacity of stills, boilers, and other instruments used in distillation," I have the honor to report the information obtained upon that subject by the Commissioner of the Revenue, to whom it was referred by the Secretary of the Treasury.

The result of the inquiry instituted by that officer renders it doubtful whether any change in the existing system is indispensably necessary.

Should the change suggested by the Commissioner of the Revenue be declined, the idea presented in document C, for introducing uniformity in the form and construction of stills and boilers, appears to be entitled to consideration, if the system of internal revenue should be rendered permanent. The more easily to effect that object, the form and construction of stills and boilers deemed most efficient in distillation should be designated by law, and legal provision should be made for allowing a certain discount upon the amount of the tax imposed upon all such stills and boilers, after the expiration of a certain number of years. By fixing the time sufficiently remote to allow of the expiration of existing leases and contracts, the owners of stills of a different construction would not fail to have them changed into the form designated by law. As every deviation, after that period, from the prescribed form would be excluded from the allowance granted in favor of that description of still or boiler, no change would be attempted, except when the advantages resulting from it would exceed that allowance.

In order that this regulation may not operate to the repression of enterprise and invention, the law might provide that no change in the rate of tax thus established should be made with a view to equalize the duty, upon any deviation from the prescribed form, for a certain term of years after it should be in operation.

I have the honor to be, your most obedient and very humble servant,

WILLIAM H. CRAWFORD.

The Hon. HENRY CLAY,
Speaker of the House of Reps.

TREASURY DEPARTMENT,
REVENUE OFFICE, *Dec.* 30, 1816.

SIR: The Secretary of the Treasury having, on the 29th day of June last, referred to me a resolution of the House of Representatives, of the 9th of March preceding, requiring him "to report to the next session of Congress whether any, and, if any, what alterations are necessary to equalize the duty on the capacity of stills, boilers, and other implements used in distillation," I have the honor to make thereon the following report:

To obtain the best materials for forming an opinion on the point referred to me, a letter was, on the 14th day of July, addressed to Dr. Samuel L. Mitchill, of New York, and to Alexander Anderson, Esq., of Philadelphia, a copy of which is annexed, marked A.

On the 15th of the same month, a circular letter (marked B) was addressed to the respective collectors of the internal revenue.

Messrs. Mitchill and Anderson, having promptly undertaken to fulfil the trust confided to them, have transmitted, as the result of their inquiries, the annexed communications, marked C, D, E., and F.

Answers have likewise been received from most of the collectors, from which it is computed that there are in the United States 650 boilers of an average capacity of 102 gallons.

11,070 stills of capacities not exceeding fifty gallons.

17,080 stills of capacities between fifty and one hundred gallons.

9,160 stills of capacities between one hundred and two hundred gallons; and

570 stills of capacities exceeding two hundred gallons.

Agreeably to the information derived from these and other sources, aided by that previously in the Treasury, it appears—

That by far the greater number of stills (more, probably, than nine out of ten) are of the common old construction, which is generally very uniform.

That the shallow stills, though at present few in number, are increasing slowly.

That if the late changes and present most approved forms of construction be taken as a guide, the advantages, combining all the incidental circumstances of the shallow over the deep stills, do not seem to be generally considered as great.

That the benefit attached to stills with Whitmer's and Anderson's improvements appear to be much greater.

That the new stills in use exhibit a great variety of construction, and differ, in their productive powers, much from each other.

That the boilers, as well in their construction as their products, differ greatly from each other.

That, although the present duty on the boilers is generally considered as relatively lower than that on the stills, the former do not seem materially, if at all, to increase; that, on the contrary, the instances are frequent in which they have been abandoned for stills; a circumstance which arises, perhaps, principally from the inferior quality of the spirits made with the boilers. A contrary opinion is, however, expressed on this point, as well as others connected with boilers, by Mr. Anderson.

The inequalities in the operation of the existing duties do not, in my opinion, sensibly affect the revenue, or give to one description of vessels advantages, in their practical effects, greatly injurious to those of a different description. As, however, it satisfactorily appears that several cases exist of stills, as well as boilers of a particular form, paying at present but an inconsiderable duty compared with that generally paid, it is probable that these inequalities, however limited at present, will, unless seasonably counteracted, become the germs of much greater inequalities.

It has been suggested that this counteraction may be effected by graduating the duty, according to the size and form of each still or boiler, on a principle resulting from a combination of their form and size.

It was, in a great measure, with the view of ascertaining the practicability of this suggestion, that the inquiry submitted to Messrs. Mitchill and Anderson was instituted. Their answers, and particularly the experiments of Mr. Anderson, will show the light they have been enabled to shed upon this point.

Although it does not appear, either from their researches or from a general consideration of the subject, that the adoption of such a principle is absolutely impracticable, the complexity attendant on any plan that has been devised for its application is so great as to render the result at least questionable; while, if the opinion of Mr. Anderson on the relative products of shallow and deep stills be received as correct, the necessity for adopting such a principle is greatly shaken.

Should, under the impression that shallow stills have, according to a given ratio, an advantage over deep ones, a duty be laid on their capacity up to a certain line, and a lower duty on their capacity above such line, increasing, at pleasure, the several rates of duty, it must be obvious that, as the forms of the stills now in use are extremely different, and are daily becoming more so, the inevitable effect of such a principle would be, unless equal in its operation on all possible kinds of stills, to act as a bounty, at the expense of all the rest, on vessels so constructed as least sensibly to feel the duty.

To show how difficult it is to find and to apply such a principle, it may be useful to state the recent use of a deep still, with a large hollow cylinder, open at the bottom, and rising in the centre to a considerable height, by which the surface around this centre, exposed to the direct action of the fire, is greatly enlarged. Here, then, is an instance of a deep still, the duty on which would be relatively light, possessed, perhaps, of equal if not greater productive powers than a shallow still.

If it shall be deemed unsafe to adopt a principle doubtful in theory, and attended with such difficulties in its application, and it shall, nevertheless, be considered expedient to attempt a further equalization of the existing duties, the following is suggested as the most equitable and effectual plan.

It has been stated that by far the greater number of stills (more, probably, than nine out of ten) are of an uniform construction. As it is on considerations drawn from the productive powers of these that the present duties were imposed, all that is requisite to insure an equal and impartial operation of the duties, as well on existing stills of a different construction as on such as may be

hereafter constructed, is to impose duties on these two classes, agreeably to their productive powers, proportionate to those paid on stills of the common kind. To effect this object, it is respectfully proposed that the present duties on stills be the minimum duties imposed, to be exacted in all cases not specially provided for; and that it be specially provided that, in the case of stills which deviate from the common construction, a particular survey be made of each still at the time it shall be first used, and that the duty on its capacity be specifically fixed, on its computed productive powers, agreeably to the award on such survey; that this survey and award be made by the collector, with such professional skill as he may call to his assistance; but that in case the award be not satisfactory to the owner of the still, a reference be authorized to such person as may be named by the collector and such person as may be named by the owner of the still, with power, in case of their disagreement, to name an umpire; that the expense, if there be no appeal from the original survey, be defrayed by the United States; and if there be an appeal, by the owner of the still; and that the award thus given shall continue to regulate the duties payable until the still shall undergo a change in its form or size, when a like survey shall be repeated.

In the case of boilers, it would seem best to submit them all to a special survey, adhering to the present as the minimum rates of duty.

An essential feature of this plan is, in no instance, to receive on any still or boiler a lower rate of duty than that now imposed; for should the system admit, according to circumstances, of a diminution as well as augmentation of duty from the prescribed standard, it would be difficult to assign any limits to the consequent defalcation of revenue.

The objection to this plan, on the ground of expense, cannot be great, as the anomalous cases to which it would apply would not, probably, in the first year amount to one thousand, while in subsequent years they would be comparatively few. I have the honor to be, with great respect, your obedient servant,

SAMUEL H. SMITH,
Commissioner of the Revenue.

Hon. WILLIAM H. CRAWFORD,
Secretary of the Treasury.

A.

TREASURY DEPARTMENT,
REVENUE OFFICE, *July* 14, 1816.

SIR: A resolution of the House of Representatives, passed the 9th of March, 1816. requires "that the Secretary of the Treasury report to the next session of Congress whether any, and, if any, what alterations are necessary to equalize the duty on the capacity of stills, boilers, and other implements used in distillation."

The Secretary of the Treasury having referred this subject to me, I have the honor of requesting from you, towards its elucidation, such information as it may be in your power to communicate. From the general attention which you are known to have paid to chemistry and the arts, you will, it is supposed, possess the means of adding to the information to be derived from foreign sources the more valuable lights of your own experience in this country, by which such a practical criterion may be attained as we may safely adopt.

I enclose a copy of the existing act of Congress, which shows the manner in which the duty on stills and boilers is now laid.

The following remarks may enable you, with the greater precision, to give the requisite information.

1. The complete equalization sought can, it is believed, be no otherwise effected than by imposing the duty in such way as in effect to lay an equal burden on the same quantity of spirits of like quality, whether made in stills, boilers, or other vessels used or that may be used for distillation.

2. The duty must be laid on the still or boiler, agreeably to a principle that can be applied at the time of granting the license, and, consequently, before the employment of the still or boiler.

In several foreign countries the duty is understood to be on the capacity of the mashtubs, or the quantity of wash; but the circumstances of this country and the habits of our citizens forbid a resort to this expedient.

3. It is indispensable that the principle adopted shall apply to all existing and probable cases arising from new forms of distillatory vessels that may be introduced into use, and that it should be so simple as to be easy of application.

Two sources of inequality are alleged to exist under the present system: one arising from the relative inequality of the duty on boilers compared with that on stills, and the other from the relative inequality of the duty on stills.

In regard to the first class of cases, the boilers are said to be of such various construction that the present duty is in some cases much greater than in others, and that this is so to such a degree, as to give the most improved boilers a great advantage over other boilers, and a much greater over stills. Although there is strong reason to believe that there is much exaggeration in the popular opinion on this head, it is worthy of consideration whether the capacity of the vessels that convey the steam would not constitute a better principle for the imposition of the duty than the capacity of the vessels in which it is generated.

In regard to the second class of cases, it is alleged, and certainly with some truth, that great advantages are gained by some stills, from their peculiar size and form, over others. This allegation has been answered by observing that this is, and perhaps, under any modification of the duty, must continue to be the case, as it flows from the progressive improvements in the arts, and is, in fact, intimately connected with their advancement; the advantage incident to every new improvement operating as a bounty. But it is replied, that the different habits of the country do not admit of the general adoption of the most improved implements, and that, considering the

vast number of stills already in use, any duty which operates as a bounty on those of a new construction must be oppressive to the owners of those now in use.

It has been suggested that the duty might, in these cases, be equitably modified by imposing a particular rate of duty on the capacity in gallons to a certain height from the bottom of the still, and different rates of duty on the capacity beyond this point, diminishing the rate with the ascending points, and augmenting the number of these points as circumstances should require. To determine the correctness of this principle, it would appear necessary to ascertain whether the aggregate capacity of the still, accordingly as it should be large or small, would not exhibit anomalous results; and whether its general form, or that of its parts, would not also have a like effect, and in such a degree as to destroy the equal operation of the principle. It is especially desirable that the practicability of this expedient should be effectually investigated.

Should you succeed in fixing any new principle, agreeably to which the duty might be laid, it will still remain to state with precision the means by which it will be best and easiest carried into effect without the use of philosophical instruments, or the possession of other than the elementary principles of mathematics.

As the solution of these inquiries, and the establishment of a general basis for the equitable imposition of this duty, cannot probably be effected without actual experiment and much minute observation, some expense will necessarily be incurred, which will be cheerfully defrayed provided it shall not exceed two hundred dollars. I am not insensible of the awkwardness of any such limitation in a case where a favor is requested; but its correspondence with the invariable usage of the Treasury will, I hope, constitute a due apology for it.

You will much oblige me by an early answer, apprizing me whether it will be convenient to you to attend to this business, on which it is desirable that a report should be made to this department by the 1st of October next.

I am, &c., S. H. SMITH,
Commissioner of the Revenue.

SAMUEL L. MITCHILL, Esq., *New York.*
Col. ALEXANDER ANDERSON, *Philadelphia.*

B.

Circular to Collectors of the Revenue, No. 31.

TREASURY DEPARTMENT,
REVENUE OFFICE, *July* 15, 1816.

SIR: A resolution of the House of Representatives, passed the 9th of March, 1816, requires "that the Secretary of the Treasury report to the next session of Congress whether any, and, if any, what alterations are necessary to equalize the duty on the capacity of stills, boilers, and other implements used in distillation."

The Secretary of the Treasury having referred this subject to me, I request that you will communicate to me, previous to the 1st of October next, such information as will, in your opinion, contribute to the formation of a correct judgment. I wish particularly to ascertain—

1. The number of boilers in your district, and their average capacity.

2. The number of stills, and their average capacity, formed into four classes: 1st. Those under fifty gallons; 2d. Those between fifty and one hundred gallons; 3d. Those between one hundred and two hundred gallons; and 4th. Those above two hundred gallons.

3. A general description of the prevalent construction of the stills and boilers.

4. A specification, with as much precision as may be, of the various products of each kind, so as to show the degree of inequality of the present duty, distinguishing particularly between the stills and boilers, and between the shallow and deep stills; and combining with these statements a view also of the relative expense, arising either from the original cost or the accruing charges incident to each kind, and of the quality of the spirits made.

It is not contemplated that these materials should be the result of actual enumeration or measurement, but that they should merely be such as not materially to deviate from the truth.

To this information you will be pleased to add your opinion of the most eligible mode of imposing the duty. I am, respectfully,

S. H. SMITH,
Commissioner of the Revenue.

C.

Answer of Dr. Samuel L. Mitchill to the Commissioner of the Revenue.

NEW YORK, *Sept.* 20, 1816.

SIR: I have the honor of laying before you such reflections as have occurred to me upon the resolution of the House of Representatives, passed the 9th March, 1816, requiring a report to be made whether any, and, if any, what alterations are necessary to equalize the duty on the capacity of stills, boilers, and other implements used in distillation.

Considering the difficulties which, in our free country, oppose themselves to the strict examination of distilleries, when in operation, by revenue officers, and contemplating the numberless tricks by which fair dealing is evaded, I should almost be inclined to advise a discontinuance of the duty. Whatever may be said against the immorality arising from the intemperance and excessive use of distilled spirits, it must be owned that the false swearing and deception growing out of a system of false excise add greatly to its amount.

But the policy of laying a duty on distilled spirits not being referred to my consideration, I pass it by. The measure having been adopted, and being now actually in force, it is my business to aid you, in the best way I can, to render it efficacious.

In executing the undertaking, I have availed myself of all the information within my reach;

such as experiments on distillation by various sorts of apparatus; the different modes of working; the several materials employed; the information derived from skilful and practical men; and the expedients heretofore used to obtain from each distillery a revenue proportioned to the amount and condition of the spirits distilled; and to render my judgment as correct as possible, in an affair of so much intricacy, I have made trials of my own, as far as I deemed them necessary within the term allotted me.

The present inquiry I consider as limited to an excise on the production of spirits, and not on their consumption. I suppose, also, that I am expected to treat it strictly as a matter of revenue. Other considerations, naturally growing out of the subject, as a great article of domestic economy, will, therefore, be spared.

The main object of a duty upon ardent spirits, in the process of preparation, is to derive a revenue for the Treasury from the citizens who pay money to the Government for licenses to carry it on.

There would be little or no fiscal difficulty in the case if the operators would consent to the only mode that exists of ascertaining the matter with precision; that is, by allowing the revenue officer to determine the quantity and quality of the product at the distillery. But as this rule, the fair and just one for the public and the individual, is rejected, it becomes necessary to devise a substitute for it, or contrive some project that shall answer the purpose of ascertaining tolerably well between the parties how much the distiller shall give, and how much the sovereign receive, for the privilege of converting the raw material into alcohol.

In such a state of the question, after all that can be done in the investigation, there will probably remain grounds or pretexts for complaint. It must be remembered, however, that discontent is natural to man; and the expression of that discontent may be considered as effecting, to a considerable degree, its own cure. The paradox contains sound remark which says, "if human beings were incapable of rendering themselves miserable, they would not be happy." If the Government, therefore, in any case can be satisfied that the law it enacts is substantially right and good, the little murmuring that may exist may be contemplated as the remedy for the imagined uneasiness or pain.

The intention of the Government being thus simply to derive revenue from the process of distillation, there are several stages at which the eye of its agents may watch the operation and levy the tribute.

I shall begin by an examination of the following points in regular succession:

1. To lay the duties upon the raw material.
2. To lay it upon the process of fermentation.
3. To lay it upon the process of distillation.
4. To lay it upon the distilled product itself.

Each of these subjects will be separately considered.

It may, at first view, seem a departure from the matter referred to, to consider anything other than the capacities of stills, boilers, and other implements used in distillation. But when I reflect that revenue is the desideratum, it is believed to be an allowable digression to notice the raw material, for the purpose of examining whether the duty ought not to be laid upon it, as well as for the purpose of introducing more intelligibly the subsequent part of this report.

1st. Concerning the imposition of a duty upon the raw materials intended to be employed in distillation.

An individual may contract with the Government, or its agents, for leave to convert an assigned quantity of a crude article into as much spirit as he is capable of extracting from it. If the Government requires that he shall buy a permit for it, the citizen may be obliged, by law, to pay for the privilege in the manner and to the amount prescribed, or pay a penalty. To distil without a license is now an offence; so it would then be to extract spirit from a raw material without having paid for leave. The difficulty in the execution of such a law would principally arise from the abuse the distiller might make of his license, by distilling more than he pays for. As a preventive of this, the sanction of an oath may be required, that he will not transgress the limits of his license. This will restrain conscientious men. He may be required to enter into a bond with a penalty, subjecting him to damages and costs in case of a violation of its conditions. He should, moreover, be compelled to report, in writing, and file with the collector at the same time, the capacity, number, and situation of his stills and implements; as also the place where they are erected, the quantity of fuel they consume, and the number of hands they employ. This would serve as a collateral or auxiliary evidence. The law may provide that the collector of each district shall possess all this information, to the end that he may be enabled to form a more correct judgment, and know how to detect violations.

The distiller may be watched, and be as much exposed to detection as in the present mode. It would be a circumstance in favor of the revenue that there should be, at the collector's office, an exhibition of the quantity intended to be distilled, as well as of the apparatus to be employed in the operation. Upon this plan, a distiller would be licensed to work upon an acknowledged and specified quantity of materials. On these the Government would impose a corresponding sum. Against transgressions and infractions the same precaution might be employed as at present. It might be expected that some persons of selfish and avaricious dispositions, and of immoral habits, would exceed the bounds of their permits. With the ready means of detection, it may be presumed that these occurrences would not be very numerous, and, consequently, the defalcations not very serious. *De minimis non curat lex*, say the lawyers; and if the Treasury derives a good revenue from the tax on preparing ardent spirits, I would not be over anxious, in a country like our own, about trifling variations. They might be not seen or not noticed.

On this view of the subject, the law might require that each distiller should state the quantity and kind of the materials he means to employ for the purpose of extracting spirit, and that he should purchase a license from the revenue officer accordingly. The mode of grinding, fermenting, working, and preparing the materials might be left afterwards to his own skill and discretion. If, by extraordinary success in his operations, he should procure much spirit, *pro rata*, from his ingredients, let him, at least for the present, enjoy the benefit of his discoveries. An improved plan of arranging the fiscal as well as the economical details might be reasonably expected to arise, in due time, from careful and reiterated sets of experiments. The Government, by making discreet and reasonable inquiry, would acquire and enjoy the ultimate advantage of them.

A mode of laying such a duty may be conceived thus:

A. *Upon domestic materials.*

(*a*) Grain.—Rye, —— cents the bushel of —— pounds. Maize, —— cents the bushel of —— pounds. Rice, barley, or any other grain, —— cents the bushel of —— pounds.

(*b*) Fruit, or its products.—Pomace or cider, —— cents the gallon. Mash of peaches, —— cents the gallon. Blackberries, gooseberries, or other fruits, —— cents the gallon of bruised pulp.

(*c*) Roots, and their parts.—Potatoes, —— cents the bushel. Other roots, —— cents the bushel.

(*d*) Saccharine juices, or sweets.—Domestic molasses, or sugar cane, grown within the United States, —— cents the gallon. Syrup or juice of the maple, —— cents the gallon. Juice of green maize, or other vegetables, —— cents the gallon.

B. *Upon foreign materials.*

An increased rate of duty, whenever they come under either of the preceding heads, of thirty per cent. on the existing ratio.

The possession, by a distiller, of materials proper for distillation, other than his own crop, to be considered as *prima facie* evidence of an intention to distil them; but the possessor may show they were otherwise employed. The possession of a still, or distilling apparatus, to be presumptive evidence of an intention to distil, until the contrary shall be shown. The license may authorize the purchaser to distil as many bushels of grain, as many gallons of pomace or cider, as great a quantity of roots, or as much sweet or saccharine juice, as shall be therein expressed. Care might be taken to make him pay for a maximum; and he may afterwards be checked by the capacity of the still, and the duration for which it is employed.

Upon this plan, it appears to me that a certain revenue can be laid and collected. The bulk of the materials would be adverse to concealment. There would be no espionage to offend the citizen by penetrating too deeply into his private affairs.

2d. Concerning the imposition of a duty upon the process of fermentation, when intended to prepare substances for eliciting distilled spirit.

After the grain shall have been ground to meal, the fruits crushed to pomace, the roots reduced to pulp, and the saccharine substance diluted in water, they all, after the extinction of their vital principle, and when mingled with a due proportion of humidity, and likewise moved by a proper degree of caloric or anticrouon, commence a train of intestine actions, called fermentation. In the course of these commotions among the particles of the fermenting materials, its original constitution is further destroyed or changed, and new products are formed. Among these is a vinous liquid, which, by the seasonable application of an increased and boiling heat, may be converted into alcohol. The vats or tubs in which the fermentation is carried on may be made the measure of the duty on the spirit the fermenting mass is estimated to contain or afford. Their capacity, like that of the stills, may be ascertained by gauging. The fermentation may thus be made to furnish a rule whereby the amount of duty shall be calculated; the batch of beer, wort, or wash, be excised; or, rather, the future spirit will be dutied in the batch.

3d. Concerning the laying a duty upon the process of distilling ardent spirit.

This is the operation whereby a vinous fluid is changed into alcohol. The liquid is readily volatilized, or turned to vapor; it has, therefore, been called a spirit, or aerial thing. Being readily inflammable, it is termed ardent spirit. As one of its remarkable effects on the human constitution, when applied to the olfactory organ, or to the inner coat of the stomach, is to produce drunkenness, it has been distinguished as intoxicating or inebriating spirit; and inasmuch as it has usually been prepared by that sort of alembic called the still, it has been known by the name of distilled spirit. This conversion takes place in consequence of new chemical affinities among the constituent parts or particles of the material or thing distilled. If it remained in the vat or tub in the ordinary temperature, the vinous would change to acetous; or, in other terms, the wine would turn to vinegar. By being exposed to a higher and quicker heat the fermentation is suddenly stopped, and a new product formed by the change of the vinous matter to spirituous, or by a conversion of wine to alcohol.

In laying the duty upon this process of conversion, the capacity of the alembic, whether still, boiler, or any other vessel, has been considered by some as affording the best rule or criterion by which the product could be judged.

I remember very well the difficulty which had arisen on this method of estimating the price of a license before the year 1802. Some of the distillers had discovered new and improved ways of working, by which they were running off greater quantities of spirit than had ever been practised. They who adopted these improvements actually procured unusual quantities of alcoholic fluid, through stills of very moderate capacities, in a surprisingly short time. This was effected chiefly by the construction of the distillatory vessels. They had broad bottoms, with an extensive sur-

face for exposure to the fire; they had low heads, so that the vapor had but a short distance to rise. The heads were capacious, enabling the condensation to be performed there, and within them. Such condensation altered the capacity of the spirit to contain caloric. While in the vaporous state, the spirit contained a large proportion of caloric; on condensing to liquid, its capacity for caloric was so much diminished, that a great deal was left for absorption by the surrounding bodies. To receive this disengaged and abundant caloric, the distiller had aptly contrived to surround the head of his still by water, or by the fermenting liquid of the vat. If water was employed, it became heated, by this admirable piece of economy, to a degree fit to answer the purpose of macerating and fermenting the raw material in the tubs or vats. If the wort, beer, or fermented mass, was made to encircle or surround the head of the still, that wort, beer, or fermented material itself became heated, and prepared the better to be received into the body of the still. While condensation of vapor is going on within the head, the spirit so brought to a liquid state on its inner surface was received, as it trickled down, into a sort of canal, trough, or gutter, near the neck of the still, and carried through the worm to the extremity of the tube, to be drawn off. By this contrivance, the liquid spirit condensed in the head was collected within the neck, and, instead of falling back into the body of the still, to be elevated by force of fire anew, was fairly carried off, very economically, at once.

For certain facts and proceedings relative to distillation, I refer to the report of the Committee of Ways and Means for 1802, as it is recorded substantially in the sixth volume of the Medical Repository, page 208, and to the eighth volume of the same work, pages 148 to 164, for a review of Krafft's American Distiller. In the former of these, the quantity actually distilled is considered the only sure test; and, in the latter, it is shown how a still of small capacity may produce a great quantity of spirit.

The advantages derived from the new mode of constructing stills rendered the duty then in force upon their capacities so unequal and inefficient, that an immediate remedy was demanded. Some progress had been made in devising a legislative expedient by the proper authorities, when it was determined by Congress that the internal taxes should be repealed. That act, the moment it took place, superseded all further attempts to raise money for the Treasury by a duty on distillation. The subject was dismissed from the investigation of our political economists. But the invention of distillers was as active and busy as ever. Persevering in their efforts, they went on, adding one improvement to another, until they have facilitated and cheapened the process of distillation, and the art of procuring ardent spirit from the crude material, almost as much as is practicable.

At length, after so many amendments in the distilling apparatus, and so many alterations in the distilling process, the Government once more came forward and demanded of the distillers payment for the privilege of converting vinous liquor into alcohol.

The difficulties in the way of laying the duties in an equitable manner would be very much diminished if all the stills and apparatus for distillation were constructed upon one and an uniform plan, and all of them worked, as then they would be, by a similar and corresponding process.

These inequalities may be referred to four principal heads:

1. Of stills constructed upon the old plan.
2. Of stills constructed not exactly upon the old plan, and yet not upon the best modern improvement.
3. Boilers, or a distilling apparatus worked by aid of steam, or boiling vapor.
4. Of other modern contrivances, such as log stills, rectifying vats, and some other utensils, not belonging strictly to either of the former descriptions.

I consider some of these as inferior modes of distillation. Consequently, a high duty laid upon the capacity of such, according to the rates of the most improved still, would bear heavily and unequally. It must check the progress of distillation, by forcing a number of the distilleries to stop; for the man who used the most improved still, and performed three times as much work, paid no more duty than his neighbor who distilled only a third upon the same tax. The enemy of distilled spirits has no cause for exultation on this event. The deficiency of domestic liquors was made up by importations from foreign places. Rum has been brought from the West Indies to supply the want of whiskey. A policy in the British colonies favorable to distilling for exportation furnished the spirit drinkers among ourselves with as much as they desired.

Congress, if I rightly understand their statute on the subject, make the capacity of the still the rule whereby the duty is laid and collected.

The acknowledged inequality of this rule is not very easy to correct. There are stills constructed in the old way, with contracted bottoms, enlarged bellies, long necks, and high small heads. Some of these have been erected at great expense; the proprietors do not incline to pull them down and erect modern stills in their stead; but they persevere in working them under all the comparative disadvantages. In many instances these distilleries, with their fixtures and apparatus, are let or leased to other persons. It cannot be expected that a short lessee or temporary tenant will cause expensive alterations to be made, which the landlord or proprietor himself would not authorize or undertake. The person who occupies such a distillery works the existing apparatus in the best way he can; but if he pays the duty on the capacity at the rate required for improved and modern stills, he pays proportionably, perhaps, a double duty and more.

It has been said this inconvenience is chargeable to the ignorance and obstinacy of the owner, or his lessee, who might change the form of their stills, and put themselves on a footing with their

neighbors. So they might, and of right they ought to do so.

It is not wholly conformable to our usages to direct individuals how to conduct their private concerns; yet, in the materials, and sometimes in the manner and place of constructing houses; in the execution and registry of deeds, mortgages, and wills; in the navigation of ships; in the importation of merchandise, and many other cases, the Legislature beneficially interferes and directs. So, in the present instance, the Government might, upon considerations of the soundest policy, refuse altogether to grant licenses to those old-fashioned stills. It might be declared that licenses should be granted to stills on Anderson's, Krafft's, or Parsons's construction, or any preferable one which the Treasury should choose. This would stop all the others, and compel the present complaining owners and possessors to model them anew, conformably to the provisions of law.

Such a regulation might seem to border rather more upon the imperative than could be wished. In reality I believe it would be found far less inconvenient than at first sight it appears. Already the old stills are a sort of depreciated property; in the progress of improvement their value must suffer a further diminution. A distiller, whether he owns the establishment he works, or hires it of his neighbor, will reasonably wish to pursue his business in the approved and modern way. A distillery upon the improved plan is worth more money to the proprietor, even if he works it himself; it will bring more rent if he lets it to another; therefore, the alteration necessary to bring the old-fashioned still to the modern standard of excellence, though expensive in the first instance, will, in the end, be substantially better both for the owner and occupant; the improvement will enable him to do more business; his work will be performed in an easier and better manner. The practical result from the whole is, that the new fixtures and apparatus being made to conform to the new principles of distillation, the inequality arising from the unequal quantities distilled in different distilleries, under the same duties, will be wholly done away, or reduced to a trifling variation.

Such a regulation of stills I conceive to be a Constitutional power. My experiments and observations convince me it is necessary to render them as uniform as possible, that the duty may also be equalized as nearly as practicable. There is no expedient within my knowledge that promises so fair and equal a result; it ought to be required of all distilleries to comply with the rule, and all will then be upon equal terms. But while a marked difference exists in the construction and working of the distilling apparatus, I question very much whether any rule can be found that will apply to them all; at least I must own that the experiments whence such a regulation can be deduced are not within the circle of my knowledge.

In this case the alleged inconvenience to the citizen will be pronounced by the liberal and patriotic statesman as one to which he ought to submit for the public good. It is obligatory on him to comply, and cheerfully too, with so reasonable a requisition. No man is obliged to distil ardent spirit; they who embark in the business are bound by feelings of respect to the Government, and of obedience to its wise and wholesome laws, to comply with a rule so practicable and so useful.

Upon a moral contemplation of this subject the argument is conclusive in favor of the project now offered; the baneful effects of numerous small stills all over the country are universally acknowledged; their number ought to be lessened. The business would be rendered more easy for the collectors of the revenue, if licenses should be refused, peremptorily, to all stills of a smaller capacity than say thirty gallons. I should recommend such a restriction, both as salutary in its tendency, and beneficial to the revenue. The Government, which concedes a great deal to the accommodation of the citizen, may expect in return some condescension, some conciliation on the part of the citizen.

If our people, in the exercise of their inventive powers, choose to modify their apparatus a thousand different ways, I see no ground of substantial justice or of sound policy that should induce the Legislature to follow them through all their meandering and devious courses. If, nevertheless, Congress should not judge it safe to proceed in this way, nor feel an inclination to reform, by this radical measure, the actual irregularities, it is much to be feared no method can be adopted that will go so far to equalize the duty on the process for forming alcohol.

Hitherto I have indulged my thoughts conformably to the instructions received from the Commissioner of the Revenue, to devise some new method of imposing the duty, in such way as will lay an equal burden on the materials and vessels used in distillation.

On summing up the evidence upon this part of the inquiry, the following conclusions rationally present themselves:

First, the duty on the raw material may certainly be made as uniform as anything that is the subject of legislation. A distiller pays for the quantity he means to work up, and for no more; the main difficulty will be to prevent his working up more than he pays for; yet a due degree of vigilance will methodize this matter tolerably well.

Second, the same remak may be applied to the fermenting vat. The capacity of this reservoir or vessel, ascertained by the gauger, will afford a rule by which the duty may be evenly and regularly estimated. But magnitude will not disclose the frequency of the charges, nor will it show how often the industry and skill of the distiller shall repeat his fermenting batches. The presumption arising from a knowledge of the quantity of materials that may be fermented at a time, and an acquaintance with the term for which a license is taken out, with some other particulars and details, will enable a tolerably correct opinion to be formed of the quantity of grain, fruits,

roots, or juices intended to be distilled; the tub or vat may be rated accordingly.

The rule thus, with all its imperfections, will be found full as good as that which refers to the capacity of the still, without knowing how frequently it is charged and discharged.

For the reason stated in the Commissioner's letter, I have endeavored to avoid the stationing an officer in the distillery to determine the quantity of beer or wort; but simply to use the ascertained capacity of the mashtub or fermenting vat, as a sort of index to the amount of alcoholic liquor the distiller intended to prepare. To this it is probable the habits of our citizens would oppose no serious objection. The small variance that might exist in the fermenting process of different vessels will, it is believed, make no memorable difference in the proceeds. A person experimentally conversant in these proceedings would not fail to urge the importance of causing all the fermenting vessels to be constructed according to a form which the law might prescribe, or empower the revenue department to direct.

Third, the uniformity already recommended in the construction of stills will naturally lead to an equalization of the duty upon them. When the vessels, apparatus, and utensils of one distillery shall be similar to those of another, the respective proprietors will have no cause to complain of disparity; nor will the revenue department be puzzled, as at present, for a rule by which equal justice may be measured to all.

Fourth. Concerning the imposition of a duty upon the distilled product itself.

This is introduced into this report chiefly for the sake of method; being not a part of the subject referred, it is not discussed. But if it had been proposed for my consideration, it might have been rapidly disposed of, inasmuch as other Governments furnish volumes of precedent and practice in relation to it.

I have thus considered, in such way as I supposed pertinent, the four fundamental modes of equalizing the duty; but I have by no means exhausted the subject; other modes of laying it upon the distilling process remain to be mentioned.

Should Congress not venture to regulate, by law, the construction of stills, nor to refuse licenses to those below a certain and defined capacity, another expedient may be tried. This consists in arranging all distillatory vessels under three heads:

1. Stills, properly so called.
2. Boilers, where steam is an auxiliary.
3. New improvements on both, and preferred to both; of which preference the erection should be considered as evidence.

I shall examine them separately.

1. There is no need of defining what particular apparatus, or connexion of vessels and implements, constitute a still. I take it for granted the meaning is perfectly understood by those who superintend the revenue, as well as by those who prepare alcohol. It might be insisted that all the vessels coming under the character of stills, as I am now considering them, should be conformed to a special regulation. To render it as little inconvenient as possible, the regulation might go into effect at an assigned future day, say six or twelve months after the passing of the act; until then the present rate of duty might be continued; as at present, stills ought to be subjected to the lowest rate of duty. As far as experiments warrant a conclusion, they will hereafter be continued at the most moderate tax of the three grades. It might be easy for Congress to favor those persons who promptly complied with the new and improved system, by exempting such as were willing and obedient from the payment of the duty for three or six months, as an indemnity, encouragement, or reward.

I present this to your judgment as a cardinal point, under a firm persuasion that, with prudent management, the reform may be wrought in a tranquillizing manner, without oppressing, or even alarming the citizen. The proposed amendment in the system will be gradually introduced, and in the end be as favorable to the interest and comfort of the distiller as to the uniformity of laying the duty, and the ease of collecting it.

2. Boilers, as the act expresses it, are the utensils employed for the purpose of generating steam in those distilleries where wooden or other vessels are used instead of metal stills, and the action of steam is substituted for the immediate application of fire to the materials from which spirituous liquors are distilled. I have not, as yet, been satisfied, during the short and limited time allowed by the authority under which I act, that there can be any practical distinction established between the several sorts of boilers; all of them are utensils or instruments of a similar nature; they depend upon the same principle; they are so analogous in their nature and construction that they ought to form a distinct and separate class of cases. I therefore recommend that measures be taken to cause boilers to be constructed according to a prescribed rule, model, or form. They will thus be clearly discriminated from stills, and be arranged entirely by themselves. This may be done under the same provisions, *mutatis mutandis*, as for stills. It will produce uniformity, or an approximation to it, near enough for the purposes of revenue; it being understood what a boiler is, as contradistinguished from a still, and all the implements of that kind classed together, they may all be dutied upon a principle deduced therefrom, and pervading the whole class. The existing statute appears to me to be correct in deciding that boilers should pay a higher duty than stills. As far as my mind is guided by experimental assays, the present rate of a double duty is as low as the distiller ought to pay, or the Government to receive.

3. But I would place in a third class all the vessels and implements for distillation varying from stills and boilers at the time of passing the law, and comprehending all improvements in distillation after the act went into operation. To this class of cases an additional amount or third rate of duty ought to attach. This augmented

sum may be reasonably demanded, under a presumption that the newest method adopted is preferable to any other in use, or the distiller would not employ it. To erect and work such apparatus would admit a construction that it possesses certain advantages. A greater quantity of spirit prepared by each gallon of such vessel's capacity probably subjects that vessel to an increased tax. The proposal now offered will, it is hoped, serve as a reply to that paragraph of the Commissioner's letter relating to "probable cases arising from new forms of distilling vessels that may be introduced into use." The regulations of law may then follow close by on the heels of discoveries, if they do not travel *pari passu* with them.

Thus I have endeavored to fulfil the promise I made you, by submitting to your discernment my views of a radical cure for the disorder; and, if that should be declined, of a palliative course of treatment. Some other ideas press forward with earnestness, and importune me to reduce them to writing. I gratify them, and honor them by an incorporation into this report. Read on, and you will discover them.

I have attended to the Commissioner's suggestions of proportioning the duty, in an inverse ratio, to the height the spirit has to rise from the bottom of the still. It does not appear, from experiments, that anything could be gained by that expedient; for it would be easy to construct stills exceedingly low, and to take off the spirit a few feet from the bottom. The breadth and extent of the evaporating surface might be substituted for height in estimating the amount of liquor distilled. Besides, the dissimilar forms of the still, the different area of surface receiving caloric and exhaling vapor, the disproportionate skill and convenience for applying the fire, and several other incidents to the process, all concur to produce varying results, which are not sufficiently digested to constitute the basis of any fiscal arrangement that aims at correctness.

The means of surmounting these anomalies are comprehended in the modes of reform proposed in the preceding part of this report, of the distilling apparatus itself. Until something of this kind shall be done, I do not perceive how there can be either a uniform or equal method of laying the duty. But that uniformity being once established in the construction of stills, will lead, of course, to uniformity in the mode of working them, and thereby an equalization of the product be so far estimated, that, taking the several parts of the operation together, a rule may be discovered for fixing the duty in a fair and equal way upon their evaporating surfaces.

It is also suggested by the Commissioner of the Revenue, that possibly the capacity of the vessels conveying the steam might constitute a better principle for the imposition of the duty than the capacity of the vessels in which it is generated. I have attended to this point as minutely as I could; and have not been able to derive from it any practical rule. The main difficulty arises from the velocity of steam, like that of any other fluid in a small pipe, enabling it to transmit an equal or even a greater quantity than, under a slow movement, will be conveyed by a larger one. The diameter thus affording no safe criterion, any duty predicated upon it would, as far as my observation and judgment go, be but a mere estimate, and a very rough one too, of the duty that a boiler ought to pay.

The intricacy of tracing the application of steam to a measure of capacity of any kind is increased by the constant progress of invention and discovery. The talent of our citizens is incessantly occupied in devising novel and improved methods of doing business. One of the later contrivances, and a most ingenious one too, is to carry the alcoholic vapor of the still direct into a wooden vessel of clean water. The steam of the spirit soon raises the water to the boiling point. It then distils over into another vessel containing water, which, being heated in like manner by the condensed steam, passes over to a succeeding one. This operation is carried on through a series of vessels, which perform the work of distillation and rectification at once. And, in the midst of all these operations, conducted by means of capacious and successive boilers, the duty is construed to attach the body of the still, or there is a dispute, or perhaps a lawsuit, with the collector about it.

Experiments are likewise making to distil spirits in an apparatus exhausted of atmospheric air. By performing the operation *in vacuo*, it is presumed much fuel will be saved, on account of the easier rise of vapor. The authors of this project are very sanguine in their expectation of a highly advantageous result. It is within my knowledge that attempts are making to quicken and economize the evaporating or distilling progress by the removal of atmospheric pressure. The continuance of experiments will, in time, show their bearing and importance.

The way of laying the duty upon the steam tube, when traced to its source, resolves itself into a duty on the fireplace, or rather into a duty upon the fuel consumed in the fireplace of a distillery.

I shall offer a few remarks upon the project of laying the duties on the fuel employed in distilling spirits before I conclude my task.

The capacity of the fireplace has been proposed as the measure of the duty. To me the fuel actually consumed in a distillery seems preferable. The quantity of fuel burned per month or per year in a distillery can be ascertained exactly. Each cord of wood, or an equivalent in coal, may be estimated to produce a corresponding quantity of spirit. There may be small variations, according as maple, birch, beech, oak, hickory, pine, or any other wood is employed. The calculation might be made upon oak, as the most common in the United States. The average ratio between the fuel burned and the spirit produced can be ascertained without any serious difficulty.

Fire is the agent by means of which vinous matter is turned to alcoholic. If the quantity and strength of the agent could be measured, such measure would be precisely what we want. The

caloric passing into the still, boiler, or other vessel, being ascertained, there would be a measure of the vapor or spirit elevated.

Fuel either contains the caloric, or possesses, during its inflammation, the power of extricating, of exciting, or of collecting that caloric. A discovery of the mean rate at which burning fuel produces spirit would enable a very equitable rule to be established as to the quantity of spirit distilled from the quantity of fuel consumed.

The duty might thus be laid upon the wood pile, or, if coal was employed, upon the coal yard. The object is to gather money into the Treasury, for the privilege of burning fuel to distil spirits. The quantity of fuel could be measured, without prying into the secrets of private transactions. The bulk of the articles would prevent much concealment and fraud. The amount would be altogether an out-of-door business. The permit may specify leave to distil as much spirit as the number of loads or cords therein mentioned could produce, or license to consume the prescribed quantity of fuel for the purpose of distilling ardent spirits.

I have thus reviewed the subject, as it relates to the levying the contribution upon the raw material, upon the fermentation, upon the distillation, and upon the spirituous product. I have considered the consequences of classing the distillatory apparatus into stills, boilers, and improvements, and of dutying them accordingly. I have discussed the altitude of the still, the capacity of the steam tube, and the consumption of fuel in the fireplace. But if, after all that has been proposed, it should seem difficult to decide upon any of them, another resort, the simplest and perhaps the best of the whole, is left to the financial calculator.

This is merely to collect from each and every distillery, or individual body of distilling apparatus, a stipulated sum, without regard to the magnitude or extent of the works. This sum ought to be a minimum, such as the smallest permitted might pay.

There is a striking analogy between the licenses to retail spirituous liquors and on licenses to distil them. The tax on production is the correlative to that on consumption. In the former case, no question is asked whether the retailer has a good run of custom or not; and in the latter, why should the Government agitate itself and torment the distiller to find out whether he is successful in his business or otherwise? Let the Treasury take a reasonable sum from each and be satisfied.

The suppression of distillers at home, by an undue and exorbitant duty, is a very dubious policy. The discontinuance of business by many of them is followed by an increased importation of rum, brandy, and other distilled spirits from abroad. The Treasury loses the duty of excise on the distillation, but it gains by the impost on entry. Yet the people drink the spirit. I therefore suppose the fiscal and moral accounts are balanced.

In this posture of affairs I have been induced to submit whether, under existing circumstances, the sum of (twenty or more) dollars be laid upon each distilling apparatus worked within the United States, without any calculation of quantity, quality, capacity, or anything else.

A review of the progress of improvement in this business will show that, between the years 1790 and 1798, it was discovered, by a most ingenious citizen of Pennsylvania, how steam might be applied to heat, and even to evaporate liquors; how the fluid to be distilled might be employed to condense the vapor of the spirit; how the project of a perpetual still was conceived; and how the removal of atmospheric pressure by the air-pump had been thought of. And since that time Brown and West's patent, in 1803, for distilling in tubs; that of Bernard in 1811, and of Gamble in 1812, for something in the nature of —— improvements on the same process; and lastly, Gillespie's mode of distilling spirits by means of reservoirs for holding the liquids, cut out of the solid wood of large trees felled, squared, and suitably excavated for the application of fire and steam; all evince the unparalleled assiduity and indomitable perseverance with which the economy of distillation has been pursued. The ingenuity of our citizens, in this respect, deserves the warmest encomium.

But I have one other remark to offer in favor of a moderate duty on alcoholic spirit. Man is not a mere water-drinking animal; or if he is so, it is only in the states of society where ignorance or servitude prevails. Cultivation and freedom teach him the advantage of sustaining the strength of the laboring citizen by mingling some stimulant or invigorating ingredient with his draught. Wine is too dear for general use. Malt liquors are not universally congenial to the palate and stomach. Vegetable infusions, as of saffron and spruce, have but a limited demand. Cider too often offends the bowels and the kidneys by its sourness.

Our country abounds in corn and the other materials whence spirit can be drawn. A great deal more is raised than is necessary to support its inhabitants with food. There seems to be a strong plea for converting into drink that part of the grain which the people do not intend to eat. If they who enjoy liberty will or must have some comfortable potation, I am satisfied that whiskey is the best. The harm to be dreaded arises, not from taking it within the bounds of health and moderation, but from swallowing too much. Against all excesses and evils of this kind, I scarcely suppose it necessary for me to bid an intelligent and virtuous people—beware!

The whole of which is respectfully submitted,

SAMUEL L. MITCHILL.

D.

PHILADELPHIA, *July* 27, 1816.

DEAR SIR: Your request, that I will give you my opinion on the best mode of laying an equal duty on spirituous liquors made in the United States, also keeping in view a simple plan of col-

lection, shall be complied with as far as my talents will reach.

The different plans resorted to in Europe are, a duty on the capacity of the still, including the head; a duty on the liquor distilled, of a certain standard strength; and a duty on the wash before it is distilled. The tax on the still and head I believe to be the only way in which a fair duty can be collected on the distilleries in America: it is more equal, easier of collection, and less liable to fraud, with less irritation. I think the duty, at present, should not exceed one dollar per gallon on the capacity of the still and head, without including the condensing part, which, if taken in, would operate very unequal, as those which have little water require larger condensing power; those which have plenty of water, but little room for condensation; it therefore could not operate equally; also, the condensing part would be immediately so reduced, that Government would get but little by it, and cause much irritation. Where the duty is laid on the still and head, the tax must be paid; there is no intricacy, and little trouble in collection. The duty on spirits of a standard strength, at first view, looks well; but wherever it is put in practice, such a scene of fraud, false swearing, and villany takes place, as can scarcely be believed; and it would be impossible to collect the tax, even if you were to place one officer to every two distilleries in the United States; and even then you would not get the whole. This mode would be so expensive and troublesome, and attended with such difficulties, as to render it, in this country, almost impossible. When the distilleries are very large and few in number, the difficulties would not be so great; and then you would not get more than three-fourths of the liquor made from many, while others would give the whole.

A tax on the wash, ascertained by gauging, is quite as bad, and deception as easily practised. It is also very unequal; molasses wash contains about twelve per cent., cider ten, peach twelve, and grain wash three to five. To the eastward they work the wash very thin, say three per cent.; in Lancaster county, and westward, four to five per cent. The difficulties appear to me insurmountable in either of the last-mentioned cases, and would destroy the distilling business almost certainly. This, I should suppose, the Government would not like to do, but rather foster it in a proper manner.

Let us now examine how the duty on the stills will bear to each other, viz: the common still, the flat still, the boiler and wooden still, and the still where the wash is used instead of water to condense the steam raised by distillation.

1. The common still. One wash still of one hundred and twenty gallons, with its attendant still of sixty gallons for rectifying, will pay three hundred and sixty dollars (present duty) in one year. This wash still will be run into common four times in twenty-four hours, charged with ninety gallons of wash each time, (there must be room for the wash to boil up, and not run over in the condensing part,) which, on an average, when the wash is four per cent., will produce fourteen gallons of whiskey in twenty-four hours, fifteen per cent. below proof by Dicas. Deduct for casualties, such as the stills getting out of order, want of a supply of grain, (which often happens,) say thirty days, makes 3,370 gallons in one year, which is nine cents per gallon; this still thirty-two inches, bottom forty widest part, thirty inches deep, with a head.

2. The flat still. Still sixty inches bottom, ten inches deep, charge ninety gallons wash, same fire and attendance as the common still, will gain about one distillation in fifteen, and not more. It has been for some time received as a fact, that an extended surface yields a more copious evaporation, independent of the quantity of liquor; this may be true in part; experience does not verify it, but to a small extent. The boilers of the steam engines are, perhaps, the best proof of this. Great has been the ingenuity expended on this subject; the difference as yet is but small; the quantity of fuel and water being the same, the shape of the boiler is of no great importance; the proper construction of the fireplace is more to be attended to, that the wood may be consumed in the best manner. Count Rumford has, I think, led the public astray somewhat by small experiments. The common still and flat still may be run ten or twelve times in twenty-four hours, but then you put in but seventy gallons of cider or molasses wash, and increase the fire much; grain wash would not bear the operation; it would burn and destroy the liquor; and, indeed, with either there is nothing gained.

Let us now examine the steam boiler and still attached to it. Much more has been said on this subject than is true; the distillation is not more rapid than the other. The duty being laid on the boiler was, I think, a great mistake. The stills are certainly the proper vessels to lay the duty on. A boiler of 100 gallons may be made to work two stills of three hundred and fifty gallons, each with one still of 100 gallons for rectifying; the steam is let into the two stills alternately, and from one into the other; also from either into the rectifying still. The duty on the boiler of 100 gallons would be $432 for one year; the duty on the three stills would be $1,662. The quantity of whiskey these stills would make is about 65 to 70 gallons per day, fifteen per cent. below proof; deduct thirty days for casualties, and you have 17,500 gallons, rather more than ten cents per gallon. Perhaps eight cents would be found nearer the truth; the duty on the boiler about two cents; this is about a fair representation. The boilers in use, when they were first taxed, were large; the tax soon brought them into small compass. The stills cannot be reduced. It ought to be observed, that this mode of distillation has the advantage of not burning the liquor, and is not so liable to run foul, (that is, run over into the worm,) which, when it does, the distillation must be stopped for awhile. It should also be mentioned that it is somewhat dangerous, and it throws too much water into the wash, which renders it impossible to get the whole of the whiskey

from it. The condensing part of these stills is small, not more than is usually attached to a common still of 100 gallons.

The subject requires further investigation. I will endeavor soon to make some experiments on these stills; evaporation, as yet, being but little understood.

The improved still, where the wash is made use of to condense the steam in place of water, is not to be examined. These are usually run off six times in twenty-four hours; of course one-third more of whiskey is made in twenty-four hours, and the duty reduced to six cents per gallon. This, at first view, appears unequal; but really no distiller has any cause of complaint. If those that use the common still do not see some advantage in it, they would adopt the other, which would equalize the duty at once. This improved still does not run faster than the common still, neither can you put in a larger charge, as it is as liable to run foul as the common still. The gain is wholly in making use of the wash in place of water, by which three distillations are made in place of two; the wood saved is also considerable; the difference of labor very trifling. The Government would do wrong to lay a tax on ingenuity. If every improvement in the arts would afford the United States as much money as this has done, they ought to be satisfied; besides, the principle is a wrong one. If in place of the United States giving a bounty on this, they should prohibit it by laying a heavy tax, and bring back the distillation to the old form, what would be the consequence to the revenue? There is no doubt it would be lessened very much. If a tax had been laid on it when first brought into use, it would have been fatal to it. This was proposed in Congress in the year 1811; but, it was observed, they would not consent to lay a tax on ingenuity. In the year 1795 I went to Lancaster, and built a mill and distillery near Columbia, on the banks of the Susquehannah. At this time there was, I believe, not more than thirty or forty small distilleries in Lancaster county, making from twelve to fifteen gallons per day. The current opinion then was, that stills larger than 120 gallons could not be used to profit. Having discovered the principle of conveying heat by steam in the year 1790, I showed a plan of it to Mr. Jefferson, and asked him if he thought it new, particularly its application to distillation. He said he thought it was; he had not met with it before. After satisfying myself it was correct, I put it into use in Philadelphia, and took out a patent for it in 1794. In the year 1795 I built a distillery at Columbia to work with steam, which was worked in this way three years. Meeting with an accident, from the carelessness of one of the workmen, I discontinued it. In the meantime I had discovered that the wash condensed the steam nearly as well as water, and the steam passing under it without pressure, would not make it boil; of course, if it was confined in a close wooden vessel, there would be no loss by evaporation; this was in the years 1798 and 1799. The distillery was then put up on this plan. I would here observe, if cider or molasses wash is used to condense the steam, they are made to boil, and the loss of liquor is great.

From this period you may date the great increase of distillation in Pennsylvania, and also to the East, West, and South. I believe it is correct to say that there are one-third more distilleries in the United States than would have been had not this improvement taken place. Of course, it is fair to state that the revenue on distilling has been increased one-third; I do not think it would be out of the way to say one-half. Now, had a tax been laid on it, a damp would have been felt, and the present revenue would have been much less. Many distillers wish a tax laid on it even now, that others may be deterred going into the business. The United States have received much revenue from this invention. How has the inventor been remunerated? Scarcely at all. Distillers have taken the liberty of putting them up and using them, without paying the moderate sum of fifty dollars for a still of 120 gallons. Why did you not bring an action against them? Law suits are so expensive, and my time taken up to make a living for a large family, and no money that I could spare for that purpose, prevented me, and still does so. I certainly ought to have something for it. How to come at it I do not know.

The subject of an equal tax on distillation has employed my thoughts for twenty years, and I am convinced there is no mode of coming at it in this country, where the distilleries are so extended, otherwise than laying a fair tax on the still and head. I cannot see any reasonable objection to this. It is certainly more equal than any other, easier for collection, more simple, and cannot be well used without paying for it.

The distillation in America will require great care and much attention from the Government. How far the admission of foreign liquors will interfere; whether it is more for the general interest to suffer foreigners to supply this country, or to supply ourselves; various are the opinions on the matter. I suppose there may be used in this country about twenty-four millions of gallons of spirituous liquors, about three gallons to each individual. If this is imported, the revenue will be considerable; if made at home, much less. In time of war, the revenue would almost cease. It would not then be possible to obtain a revenue from home-made liquors under two or three years. At present, these are combined; foreign liquors are admitted subject to a duty of forty cents per gallon, home-made liquors to a tax of about eight cents. This, I think, is not a sufficient difference, and, while it continues, foreign liquors will supply the market in the United States. This probably will be denied, but, if searched into, will be found to be nearly correct.

I believe France, England, Spain, or Holland do not admit foreign liquors on any terms, as they are able to supply themselves; and it may be well to consider what an enormous sum of money we should pay to foreigners for an article the United States can make themselves. The duty, in my

opinion, should not be less than seventy cents per gallon on foreign liquors. This will lay a foundation for an increased revenue from domestic liquors whenever it may be wanted. If something of this kind is not done, the distilling in the United States is nearly at an end. Should things continue as they are at present for nine months, I am very certain there will be scarcely one distillery of grain on this side of the mountains. The farming interest is deeply concerned in the business, and will feel the stoppage of distilleries very sensibly. This state of the distilleries was pointed out to the Committee of Ways and Means, the Secretary of the Treasury, and the Commissioner of the Revenue, last February was twelve months, directly after the peace, by a committee of three distillers, who waited on them for that purpose. They were thought to be interested, and no attention was paid to what they said.

I would now inform you that more than one dollar per gallon on the capacity of the still and head will be improper and really injurious to the revenue. It has often been said that a high duty should be laid on whiskey to prevent the use of it. This is so stale an observation, and so untrue, as to be worth no notice. People will drink it; and, as it is the principal beverage in the United States, it cannot be done without. This being the case, it is better to keep the money at home than to give it to foreigners for a supply of this article.

It will be objected by the distillers of molasses that this mode of tax will operate very unfavorably to their business. A still employed in the making of rum from molasses will stand thus: one still of 1,100 gallons, with its attendant rectifier of 250, will pay about $3,200 per year, (about $13 pet day;) these stills will make about 130 gallons of rum in twelve hours, which is about ten cents per gallon; and if worked the twenty-four hours, will reduce the duty to 6 cents. This, therefore, can be no hardship on them. Present state of the market of foreign and domestic liquors: imported liquors from 90 cents to $1 20 per gallon; domestic, 56 to 65 cents per gallon; rye, $1 25 per bushel; corn, $1 30 per bushel.

I have the honor to be, with much respect, yours, ALEX. ANDERSON.

Samuel H. Smith, Esq.,
Commissioner of the Revenue.

E.

Philadelphia, *Sept.* 12, 1816.

Dear Sir: I will now endeavor to send you the result of the experiments made, as I proposed. I am not apt in expressing my thoughts on paper. If I were with you a day or two, I could give you a much clearer view of things than by writing.

These experiments were made with a boiler containing twenty-six gallons when full; twenty gallons of water put into it, (the boiler steam tight,) six gallons being left out, that the water might have room to boil up and not run over; fire made under it with common pine wood. In forty-five minutes it began to boil; to do this consumed twenty-two pounds of wood; the water, when put into the boiler, was 63 degrees by Fahrenheit's thermometer. So, then, twenty-two pounds of wood communicated to each gallon of water 149 degrees of heat to make it boil, or 2,980 degrees to the whole, or twenty gallons. There was a contrivance to supply the waste water in the boiler, so as to keep it always to twenty gallons. The steam was then let into a wooden vessel, in which were forty gallons of water, 63 degrees. In ninety-three minutes, the forty gallons of water began to boil; consumed under the boiler forty-five pounds of wood in these ninety-three minutes. The quantity of water passed in steam from the boiler into the forty gallons and condensed was seven gallons; this ascertained by actual measurement. I put in forty gallons, and measured out 46.75 gallons, 25 or one quart being allowed for waste by evaporation, as the water was hot when measured; the heat that passed with the steam communicated to each of the forty gallons 149 degrees, or 5,960 to the whole. So that each gallon of water raised in steam conveyed with it 851 degrees of heat, and consumed rather more than six pounds of wood.

The above is the result of a number of careful experiments. Let us now see how this will bear on distillation, and how far it equalizes it.

In the first place, it plainly shows that the distillation by steam is not quicker than by the naked fire.

The boiler of twenty-six gallons passes over five gallons per hour, giving sixty gallons in twelve hours, and twelve hours to bring the wash from cold to boiling, making about four distillations in twenty-four hours, is very near the work in common distilleries, when a wash still is used of one hundred and twenty gallons, and a doubling still of forty-five gallons. As the wooden stills for a twenty-six gallon boiler would be about the same size, the quantity of liquor made would be about the same. If you enlarge the stills the proportion would be about the same, as the steam has no advantage over the naked fire. But the duty is very unequal on the twenty-six gallon boiler; the duty is $112 32 per year; on the stills of 120 and forty-five gallons, it is $378. Now, if the duty were on the wooden stills, and not on the boiler, the thing would be nearly equal; and if this should be the case, they would gain but little by enlarging the boiler, as they must also enlarge the stills. You can use a small boiler to a large still; but if you raise a large quantity of water from a large boiler or fire, and pass it through a small quantity of wash, you gain but little, as you would then raise so large a proportion of water from this rapid distillation as nearly to defeat the purpose of distillation.

If you employ the condenser, and make use of the wash to condense the steam arising in the distillation, the work done would be about one-third more. I would also observe, that they cannot use in the wooden stills more than two-thirds of the capacity of the still for wash, as room

must be left for the increase of water by the condensed steam, and for the wash to boil up without running over, which, having no head, they are liable to do.

The duty being laid on the boiler is certainly wrong. If laid on the still, the steam distillation has no advantage over the others.

The experiments above detailed lay the whole of distillation before you. From them, simple as they seem, you can come at anything wanted in distillation, both evaporation and condensation. I have been particular in them, and know them to be accurate. It has taken me a fortnight to accomplish them. If your allowance had been larger, I would have pursued the principle through all the ramifications of distillation. As it is, you have the pith; and anything may be known in distillation, and also of the steam engine, which is nothing more than a large distillation, and will soon be employed in the distilleries of grain that work constantly. A small engine will serve to grind the grain, and where light steam is used, it will soon be found a great saving of fuel to use the steam when thrown out from the engine in the distillery. In such a case I do not see how you would get at any duty, as there is no boiler employed for generating steam for distillation. They are not up to this thing yet, but it will not be long before some will make the discovery.

I am, dear sir, with much respect, yours,

ALEX. ANDERSON.

SAMUEL H. SMITH, Esq.,
Commissioner of the Revenue.

PHILADELPHIA, *Sept.* 24, 1816.

DEAR SIR: I received your letter of the 21st yesterday. Being taken up so much with the steam boiler these three weeks past, and my head so filled with it, I forgot the different kinds of stills. I will now endeavor to give you all the information in my power from actual experience.

The shape of the still is of no importance in distillation, further than its form being convenient to apply the fire in the best manner. Suppose a still 72 inches in the bottom and 87 inches deep will hold about 115 gallons, charge 70 gallons, fire and attendance the same. The difference between these two stills will be 15 flat still, 14 common still; that is, the flat still will gain one distillation in 15, fire and attendance being the same. This will scarcely be credited, and I should not make the assertion if I had not actual experience as the ground of it; I know it to be true. Evaporation by fire is as the quantity of fuel applied to the liquor, and not as the surface is extended. This opinion, that a large surface being exposed assists evaporation, has arisen from observing that water exposed in broad shallow vessels to the air and sun evaporates much quicker than when exposed in narrow deep vessels. This is true; but this is altogether different from evaporation by fire. This evaporation is effected by the combined operation of the air and heat in the surrounding atmosphere; the other, solely by the heat obtained from the wood. I once thought that evaporation might be much increased by taking off the pressure of the atmosphere by the aid of the air pump. I found, from a trial of six months, that I gained nothing by it; the same quantity of fuel was used whether the air was on or off. I of course discontinued it. After trying almost every shape, I am entirely satisfied that the common still is as good for practice as any that have or will be made, and, fuel and attendance being the same, will do as much work. The subjects of evaporation and condensation have not yet come under the observation of philosophers so as to throw much light on it, being a very difficult and troublesome subject, and being but little understood. Some late experiments in Edinburgh have thrown some light on it, and will probably be the means of its being more thoroughly investigated. I allude to alcohol being frozen by the air pump; the spirit being placed in the receiver of the air pump, the air extracted carries off the heat or caloric, and the spirit is frozen in a short time. This is a mere sketch of the process. It opens a large field. In this way grain may be dried; also, gunpowder; and the moisture taken from fresh meat; and ice made, in hot climates, in any quantity. This evaporation is mentioned, to show you what quantities of heat must pass by evaporation. I do not think there is any propriety in making a difference in the tax on account of the shape of the still; the Government will get nothing by it. There may be a difference made on the different kinds of liquor distilled; the stills employed in distilling molasses, cider, and peach should pay more than those which work grain altogether; the wash from those being much stronger than that from grain. I therefore place the flat still on the same footing with the common still, and I think it clearly appears there is no difference that is worth notice. Were the duty on the still in place of the boiler, when steam is used, they would all be equal.

From the experiments sent you, anything relating to distillation may be come at with ease. Suppose a still of 120 gallons (either flat or common) with a doubling still of 60 gallons, the common rate of distillation is three and a half hours to bring it to boil, and four and a half to run off 15 gallons of low wines; discharge the still and fill it again, 90 gallons of wash in this slow distillation is the charge for 120 gallon still, will consume 100 pounds of wood to bring the 90 gallons to boil, and consume 100 pounds more wood to run off 15 gallons of low wines, which contain about 4 per cent. whiskey. This is common work. Press it further, and in place of six hours perform the work in three; this may be done by enlarging the fireplace, and you will consume not much more fuel, and do the work in half the time. This appears to be some advantage, in doing double the work in the same time. Now let us see the advantage of the rapid distillation, to say but little of the risk of burning or throwing the wash up into the worm so as to choke it, which often happens in rapid distillation: in the first place, you must reduce the charge for the still from 90 to 70 gallons wash, to leave room for

the wash to boil up without running over into the worm. This is essential; if not done the fire must be lessened, which will bring it nearly to the slow distillation; also, when rapid, a large quantity of water is thrown over with the low wines, so as to weaken them very much, and require a larger still to double them; the whiskey is neither strong nor well tasted, and more and closer attendance requisite; nothing gained by it. I have also turned in my mind whether it be possible to devise any mode except a tax on the still and head; I am free to confess that I cannot. If you make spirits without any mixture of water (or alcohol, as it is now called,) a standard, and lay a duty of ten cents per gallon, and oblige the distiller to enter his stills, this appears to be a kind of check. What would be the effect when put in practice? It must be left to each distiller to return the quantity on oath; this is no security, as it is well known, and operates as a premium to a man to swear falsely. You may fence it as you will, still this would be the case; if you compare his return with the size of his still, his answer is ready; "he could not procure grain to keep his works in full operation." This frequently occurs, and would in many instances be correct, and in many not so. In short, I do not know that human ingenuity can devise a better plan for the United States than simply to lay a tax on the capacity of the still, including the head thereof. I do not think the stills employed exclusively in rectifying should be included; the liquor operated on, having paid one duty, should not pay a second.

Anything further that I can give you command freely; it will be at your service.

I am, dear sir, yours,

ALEX. ANDERSON.

SAMUEL H. SMITH, Esq.,
Commissioner of the Revenue.

SINKING FUND.

[Communicated to the Senate, February 7, 1817.]

The Commissioners of the Sinking Fund respectfully report to Congress as follows:

That the measures which have been authorized by the board, subsequent to their report of the 7th of February, 1816, so far as the same have been completed, are fully detailed in the report of the Secretary of the Treasury to this board, dated the 6th day of the present month, and in the statements therein referred to, which are herewith transmitted, and prayed to be received as part of this report.

JOHN GAILLARD, *President of the Senate, pro tem.*
J. MARSHALL, *Chief Justice of the United States.*
WILLIAM H. CRAWFORD.
RICHARD RUSH, *Attorney General.*

WASHINGTON, *February* 7, 1817.

The SECRETARY OF THE TREASURY respectfully reports to the Commissioners of the Sinking Fund:

That the disbursements from the Treasury, during the year 1815, on account of the principal and interest of the public debt, which sums, as appear by the statement C, annexed to the last annual report, amounted to - - - - - - - - - - $12,839,929 35

Together with a further sum, arising from interest on Treasury notes, placed in the hands of sundry commissioners of loans for the payment of dividends, which interest accrued thereon previously to their being demanded by the stockholders, as per statement hereunto annexed, marked C c - - - - - - - - - - - - - - 15,272 34

And amounting together to - - - - - - - - - - - - $12,855,201 69

Have been accounted for in the following manner, viz:

1. There was repaid into the Treasury, during the year 1815, on account of the principal of moneys heretofore advanced for the payment of the principal of the public debt, as appears by the statement E, annexed to this report, the sum of - - - - $300,000 00

2. The sums actually applied, during the year 1815, to the payment of the principal and interest of the public debt, as ascertained by accounts rendered to this department, amounted, as appears by the annexed statement A, to the sum of - - - - - - - - - $12,406,504 56

In the reimbursement of the principal of the public debt - - - - - - - - - -	$6,706,129 65	
On account of the interest and charges on the same	5,700,374 91	
		12,406,504 56
There was applied for the payment of a sum, short, provided on account of the public debt due during the year 1814, as per statement B, annexed to the last annual report - - - - - - -	58,496 78	

State of the Sinking Fund.

From which, however, is to be deducted a sum overestimated for commissions and charges by the agents in London, for the years 1813 and 1814, their accounts for those years not having been adjusted at the Treasury at the time the last report was submitted - - - - - - - - -	$2,644 31		
		55,852 47	
			12,462,357 03
There was loss in exchange on remittances from America to Europe, during the year 1815, as appears by statement D, annexed to this report, of the sum of - - -			54,193 72
3. The balance remaining unexpended at the close of the year 1815, and applicable to payments falling due after that year, as ascertained by accounts rendered to the Treasury Department, amounted, as will appear by the annexed statement B, to - - -			38,650 94
			$12,855,201 69

That, during the year 1816, the following disbursements were made out of the Treasury on account of the principal and interest of the public debt, viz:

On account of the interest and reimbursement of the funded domestic debt - - -			$7,925,037 68
On account of the principal and interest of temporary loans, viz:			
Reimbursement of principal - - - - - - - - -	$1,225,000 00		
Payment of interest - - - - - - - - - -	74,092 46		
			1,299,092 46
On account of the principal and interest of Treasury notes - - - - - -			15,896,524 61
On account of the interest on Louisiana stock, payable in Europe - - - -			639,502 35
Amounting together, as will appear by the annexed list of warrants, marked C, to the sum of - - - - - - - - - - - - - - -			$25,760,157 10

Which disbursements were made out of the following funds, viz:

I. From the annual appropriation of eight millions of dollars for the year 1816 - - - - - - - - - - - - -	$8,000,000 00		
Deduct so much thereof anticipated in 1815 in the payment on account of the principal and interest of the funded debt and temporary loans in that year - - - - - - - - - - -	325,510 23*		
Applicable for 1816 - - - - - - - - -	$7,674,489 77		
And paid from the funds arising from the interest on the debt transferred to the Commissioners of the Sinking Fund, as per statement I	$1,969,577 64		
From the funds arising from the net proceeds of public lands - -	1,287,959 28		
From the proceeds of duties on goods, wares, and merchandise imported, and on the tonnage of vessels - - - - - - - -	4,416,952 85		
			$7,674,489 77
II. From the appropriations provided by the acts of the 30th June, 1813, and 4th March, 1814, for making up any deficiency of the annual appropriation of eight millions - - - - - - - - -	$7,128,931 01		
From the appropriation per act of the 26th December, 1814, entitled "An act supplemental to the act authorizing a loan for the several sums of $25,000,000 and $3,000,000," being the amount of Treasury notes, including interest, which were issued under that act - -	8,767,593 60		
			15,896,524 61
III. From repayments into the Treasury, on account of moneys heretofore advanced for the payment of the principal and interest of Treasury notes, and of interest on Louisiana stock in Europe, as will appear by the annexed statement E e - - - - - - - - - -			922,132 19

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* Amount stated in the last annual report as having been anticipated in 1815, of the appropriation for 1816 - - - - - - - - - - - - - - -			$4,498,219 18
From this sum deduct a repayment in 1815, which was not ascertained when the last report was submitted - - - - - - - - - -	$300,000 00		
Also the amount of Treasury notes, including interest paid in 1815, incorrectly charged to the appropriation of $8,000,000, and for which special appropriations were made per acts of 30th June, 1813, and 4th March, 1814	3,872,708 95		
			4,172,708 95
As above - - - - - - - - -			$325,510 23

IV. From the proceeds of the duties on goods, wares, and merchandise imported, and on the tonnage of vessels, and from the proceeds of the direct tax and internal revenue in advance; on account of the annual appropriation of $8,000,000 for 1817 - -		1,267,010 53
		$25,760,157 10
That the disbursements above mentioned, together with the balance above stated, which remained unexpended at the end of the year 1815 - - - - -		38,650 94
		$25,798,808 04

Will be accounted for in the next annual report, in conformity to the accounts which shall have been then rendered to this department

That, in the meantime, the manner in which the said sum has been applied is estimated as follows, viz:

I. There was paid for loss in exchange on remittances from America to Europe during the year 1816, as exhibited in the annexed statement, marked D d, the sum of - -		$75,446 94
II. The repayments into the Treasury, on account of the principal of moneys advanced for the payment of interest on the Louisiana stock in Europe, and for the payment of the principal and interest of Treasury notes, have amounted, during the year 1816, as by the abovementioned statement E e, to - - - - - - - - - -		922,132 09
III. The sums actually applied during the year 1816 to the principal and interest of the public debt, including Treasury notes, are estimated as follows:		
1. Paid on account of principal - - - - -	$17,240,898 70	
2. Paid on account of interest - - - - -	7,075,270 70	
		24,316,169 40
And there is estimated to have been left unapplied at the end of the year 1816, as per estimate G, a sum applicable to payments on account of the public debt, during the year 1817, of - - - - - - - - - - - - -		485,059 51
		$25,798,808 04

That all the temporary loans which became due in 1816 were paid, including the instalment of $500,000 due the State Bank, Boston, and which had been payable in 1814.

That, during the year 1816, and on the 2st of January, 1817, funds were provided for the payment of all the Treasury notes which had previously fallen due at New York and at Savannah, and had not been paid, viz:

For all dated prior to 1st January, 1814, and payable in New York, funds were provided on the 1st October, 1816, as seen per annexed copy of a notice marked L.

For all dated prior to 1st July, 1814, and payable in New York, funds were provided on the 1st November, 1816, as seen per same statement L.

For all others payable in New York, funds were provided on the 1st of January, 1817, as seen per annexed copy of a notice, M.

For all those that became due at Savannah on the 1st of September, 1816, funds were provided prior to the 1st of January, 1817, as seen per annexed copy of a notice, marked M.

For those due and reimbursable at Boston, amounting, as appears by the annexed statement O, to $1,550,300, funds have not yet been obtained sufficient to meet their payments.

A statement, marked H, is annexed, which exhibits the whole amount of stock transferred to the Commissioners of the Sinking Fund, and standing to their credit on the books of the Treasury on the last day of December, 1816.

All which is respectfully submitted.

WILLIAM H. CRAWFORD.

TREASURY DEPARTMENT, *February* 6, 1817.

PROPERTY TAKEN OR DESTROYED BY THE ENEMY.

[Communicated to the House, December 23, 1816.]

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the 6th instant, I transmit to them the proceedings of the Commissioner appointed under the "act to authorize the payment for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes," as reported by the Commissioner to the Department of War.

JAMES MADISON.

DECEMBER 21, 1816.

DECEMBER 21, 1816.

The Acting Secretary of War has the honor to submit to the President the report made by the Commissioner of Claims relative to his proceedings under the act "authorizing the payment for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes."

GEO. GRAHAM.

OFFICE OF CLAIMS, &c.,
Washington, Dec. 17, 1816.

The Commissioner appointed pursuant to the law entitled "An act to authorize the payment for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes," in obedience to a letter from the Acting Secretary of War, enclosing a resolution of the House of Representives passed on the 6th instant, in the following words: "*Resolved*, That the President of the United States be, and he is hereby, requested to lay before this House the proceedings of the Commissioner appointed under the act passed at the last session, entitled 'An act to authorize the payment for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes," respectfully reports:

That, as soon as he received from the President a notification of his appointment, he proceeded to the execution of the initiative duties required from him, by preparing such rules and regulations relative to the mode of presenting claims and taking and authenticating evidence as appeared to him to be necessary; which rules and regulations, having been approved by the President, were published in the form of notices, as enjoined by the said act, on the 3d and 24th of June last.

In forming these rules and regulations, the Commissioner endeavored to enter into the views of the Legislature, by giving such an interpretation to the provisions of the said act as might secure substantial justice to the sufferers intended to be relieved, and at the same time, guard against fraud and imposition. On this part of the subject he begs leave to refer to a copy of the said notices, in paper marked A.

The multifarious losses which it appears to have been the intention of the Legislature to provide for, required no little attention to separate and define. The first section of the act being confined to "volunteers or draughted militiamen, whether of cavalry, mounted riflemen, or infantry," and limited to the payment for horses only, admitted of an easy interpretation; as did also the second section, confined to "cavalry, mounted militia, or volunteers," which the Commissioner construed also solely to apply to persons belonging to corps not in the regular service, though the word "cavalry," used in contradistinction to "mounted militia or volunteers," may, at first view, seem to indicate a different meaning, and to be intended to extend also to cavalry in the regular service. This section, too, relates solely to the loss of horses.

The third section taking a larger scope, and involving a variety of cases, he found it more difficult to satisfy himself as to its true import. The words of this section are, "that any person who, in the late war aforesaid, has sustained damage by the loss, capture, or destruction by an enemy of any horse, mule, or ox, wagon, cart, boat, sleigh, or harness, while such property was in the military service of the United States, either by impressment or contract, except in cases where the risk to which the property would be exposed was agreed to be incurred by the owner, if it shall appear that such loss, capture, or destruction was without any fault or negligence on the part of the owner, and any person who, during the time aforesaid, has sustained damage by the death of any such horse, mule, or ox, in consequence of failure on the part of the United States to furnish the same with sufficient forage while in the service aforesaid, shall be allowed and paid the value thereof."

The Commissioner was at first disposed to consider the first clause of this section as providing only for such injuries as proceeded from the acts of the enemy. But inasmuch as damage by an enemy must almost universally happen in two ways, either "by capture or destruction," and as there were many other losses sustained by our citizens, "without any fault or negligence on the owners," such, for instance, as wagons and teams lost by being forced to attempt to pass streams not fordable, contrary to the opinion of the owners, by the compulsive orders of military commanders, on further reflection, he was inclined to give this clause a more extended meaning, and to consider the word "loss" as intended to be contradistinguished from the words "capture or destruction by an enemy," and to denote such injuries as might have happened in a manner other than "by the capture and destruction of an enemy," but "without any fault or negligence on the part of the owner." But the opinion of the Executive Government being in favor of adhering to the first interpretation, the Commissioner has felt it his duty to conform his adjudication thereto.

The two first sections of the act being strictly conformed to military corps other than regulars, the change of expression in the third section, in which the broad words "any person" are used, seemed to denote that its provisions were intended to apply to every description of citizens, whether they belonged to the regular army, or to the militia, or volunteers; and inasmuch as the militia and volunteers, while in actual service, received the pay and emoluments of regulars, the Commissioner ultimately inclined to the opinion that losses happening under similar circumstances to persons engaged in either service were intended to be provided for. The word "contract" appeared to him to be of extensive import; and in every case as well in the regular as in the militia or volunteer service, in which the rank of the officer required that he should furnish himself with a horse; that, by accepting of his appointment, he entered "into a contract" with the Government to do so; and having done so, provided such horse died in consequence of a failure on the part of Government to furnish sufficient forage, or was taken by the enemy, that a regular officer ought to be paid for his horse in the same manner as if he had belonged to the militia or volunteer corps. But on this point the Executive Government having considered the regular officer as excluded from this benefit, the

Commissioner has felt it also his duty to adopt his adjudications to that opinion.

The fourth section admitted of an easy interpretation, applying solely to the loss of "arms and military accoutrements" of volunteers or draughted militiamen who had furnished themselves with the same.

The fifth section is in these words: "That, where any property has been impressed or taken by public authority, for the use or subsistence of the Army during the late war, and the same shall have been destroyed, lost, or consumed, the owner of such property shall be paid the value thereof, deducting therefrom the amount which has been paid for the use and risk of the same while in the service aforesaid."

This section has been construed to apply to all property, real, personal, or mixed, which has been impressed or taken by public authority, without the consent of the owner. (See papers marked A and B.)

The ninth section of the law providing for losses of greater magnitude, and necessarily involving the payment of large sums of money, the Commissioner endeavored to avail himself of every assistance which appeared to be within his reach, to enable him to give it a fair, a reasonable, and a just interpretation. With this view, erroneously supposing that he had a right to do so, he addressed to the Attorney General, the great law officer of the Government, the letter marked C; in reply to which he received the answer marked D.

Having been disappointed in obtaining this important aid, the Commissioner, regarding the office which he filled as a kind of appendage to the Department of War, addressed to the Secretary thereof the letter marked E, enclosing copies of his correspondence with the Attorney General.

From this officer the Commissioner indulged the hope that he should receive such an exposition as would enable him to fulfil the views of the Legislature, by affording a just redress to the sufferers intended to be relieved. Nor was this expectation disappointed, when the Secretary, after due consideration, and no doubt consulting the best opinions, addressed to him on the 7th of September a note in the following words:

DEPARTMENT OF WAR,
September 7, 1816.

SIR: The President has been pleased to direct that the occupation of houses and buildings by the military force of the United States is embraced by the ninth section of the act "to authorize the payment for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes," and that compensation shall be allowed for damage sustained in consequence of such occupancy, in the same manner as if such houses and buildings had been occupied as a military deposite, under the authority of an officer or agent of the United States. I have, &c.

WM. H. CRAWFORD.

RICHARD BLAND LEE, Esq.

The Commissioner considered this letter as sanctioning his own interpretation of the ninth section of the said law; and it was not until after he received this note, that he felt himself authorized to give to it a practical construction by a formal adjudication.

On the 21st of October the Commissioner received from the Department of War, as the organ of the Executive Government, a more general interpretation of the law, in the following words:

WAR DEPARTMENT, *October* 21, 1816.

Pursuant to the eleventh section of the act making provision for property lost, captured or destroyed by the enemy while in the military service of the United States, and for other purposes, the President has been pleased to direct—

That the first and second sections of the said act do not embrace the case of officers of the regular army, and that the property which a regular officer may have taken with him in the service, or which he may have been required by law to keep, is not comprehended by the terms "impressed or by contract," used in the third section.

That the provisions of the third section extend only to losses resulting from the acts of the enemy, or from the failure of the Government to supply the necessary forage.

That the ninth section of the act extends only to cases of destruction of property by the enemy, which are justifiable by the laws of civilized warfare. The occupation of houses or buildings as places of military deposite, or by an armed force, must be continued up to the time of the destruction. That the occupation of houses or buildings by an armed force for a night upon a march, is not within the meaning of the said section, unless in the immediate presence of an enemy. That no compensation by way of interest, rent, or damage, can be allowed, under the act, for the time which elapses between the destruction of the property and the decision of the Commissioner.

That the act does not extend to the case of consequential injury resulting from the destruction of houses or buildings under the ninth section.

No compensation can, therefore, be allowed for the destruction of houses or buildings not occupied as a military deposite or by a military force.

That, in all cases of doubt, or of great importance, the Commissioner shall submit the evidence to the Executive before any decision is made.

WILLIAM H. CRAWFORD.

RICHARD BLAND LEE, Esq.,
Commissioner, &c.

The Commissioner will close this subject, by referring to his correspondence with the Department of War, marked F.

The number of adjudications made and entered by him since the 1st of July, under special acts, and under the general law of the 9th of April last, amount to eight hundred and fifty; the total sum awarded, to $228,693 15.

The proofs, in every case decided by the Commissioner, are put into a trunk, the key of which will be delivered to the Acting Secretary of War; which papers are so sent in conformity to the direction of the President, and pursuant to a letter from the Acting Secretary of War, bearing date on the 16th instant; a copy of which letter is referred to in paper marked G.

In the office a record of all the adjudications was made, and the evidence in each particular claim was filed with it. The office was at all times open, and free liberty allowed to every citizen to examine either the adjudications or the evidence.

All which is most respectfully submitted.

RICHARD BLAND LEE,
Commissioner, &c.

P. S. The Commissioner thinks proper to send a copy of his letter to the Secretary of the Navy, in the case of William O'Neale and Robert Taylor, dated on the 2d of October last, marked H.

He also begs leave to refer to certain acts passed at the last session of Congress; many, if not all, of which he considered as contemporaneous expositions of the law which created this office:

An act for the relief of William Flood.

An act for the relief of the supervisors of the county of Clinton, in the State of New York.

An act for the relief of Joseph Wilson.

An act for the relief of Asher Palmer.

An act authorizing the payment for the courthouse of Hamilton, in the State of Ohio.

An act for the relief of the president and directors of the Washington Bridge Company.

An act for the relief of Charles Todd.

An act for the relief of Paul D. Butler.

An act for the relief of Charles Ross and Samuel Breck, surviving executors of John Ross, deceased.

A.

OFFICE OF CLAIMS, &c.,
Washington, June 3, 1816.

Notice is hereby given, pursuant to the act of the United States passed the 9th of April last, entitled "An act to authorize the payment for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes," that all claims provided for by the said act must be presented at this office on or before the 9th day of April, in the year 1818, as, if not presented within that period, they cannot be received, examined, and decided on at this office.

First class of cases.

The claims provided for by the said act are, first: "Any volunteer or draughted militiaman, whether of cavalry, mounted riflemen, or infantry, who, in the late war between the United States and Great Britain, has sustained damage by the loss of any horse which was killed in any battle, or which has died in consequence of a wound therein received, or in consequence of failure on the part of the United States to furnish such horse with sufficient forage while in the service of the United States, shall be allowed and paid the value of such horse." This provision comprehends three descriptions of cases:

1. A horse killed in battle.

2. A horse dying in consequence of a wound received in battle.

3. A horse dying in consequence of not being furnished with sufficient forage by the United States.

To substantiate a claim of either description:

1. The order of the Government authorizing the employment of the corps to which the original claimant belonged, or the subsequent acceptance of such corps, or approbation of its employment, must be produced.

2. The certificate of the officer, or surviving officer, commanding the claimant at the time of the accident on which the claim is founded, which certificate, if not given while the officer was in the service of the United States, must be sworn to; and in every case it must, if practicable, state the then value of the horse so killed or dying. Before any other evidence will be received, the claimant must make oath that it is not in his power to procure that which is above specified; and that the evidence which he shall produce in lieu thereof is the best which he is able to obtain. In every case the evidence must be on oath, and the value of the horse so killed or dying ascertained. All evidence offered must be taken and authenticated in the manner hereinafter directed; and in all these cases the claimant must declare on oath that he has not received another horse from any officer or agent of the Government in lieu of the one lost.

Second class of cases.

"Any person, whether of cavalry or mounted riflemen, or volunteers, who, in the late war aforesaid, has sustained damage by the loss of a horse, in consequence of the owner thereof being dismounted, or separated and detached from the same, by order of the commanding officer, or in consequence of the rider being killed or wounded in battle, shall be allowed and paid the value of such horse at the time he was received into the public service."

This class comprehends two descriptions of cases:

1. When the owner has been dismounted, or separated from and detached from such horse, by order of the commanding officer.

2. When the rider has been killed or wounded in battle, and the horse lost in consequence thereof.

The same evidence, in all respects, which is required in the first class of cases, will be required in this.

Third class of cases.

"Any person who, in the late war aforesaid, has sustained damage by the loss, capture, or destruction by an enemy of any horse, mule, or ox, wagon, cart, boat, sleigh, or harness, while such property was employed in the military service of the United States, either by impressment or by contract, except in cases where the risk to which

the property would be exposed was agreed to be incurred by the owner, if it shall appear that such loss, capture, or destruction was without any fault or negligence of the owner, and any person during the time aforesaid, who has sustained damage by the death of such horse, mule, or ox, in consequence of failure on the part of the United States to furnish sufficient forage while in the service aforesaid, shall be allowed and paid the value thereof." This class comprehends two cases:

1. The loss or destruction of property by an enemy, taken by impressment, or engaged by contract, in the military service of the United States, being either a horse, a mule, an ox, wagon, cart, boat, sleigh, or harness, excepting articles for which the owners had agreed to run all risks, or which were lost or destroyed by the fault or negligence of the owners.

2. When a horse, mule, or ox, so taken or employed, has died from the failure of the United States to furnish sufficient forage.

In the first of these cases, the claimant must produce the certificate of the officer or agent of the United States who impressed or contracted for the property above mentioned, and of the officer or surviving officer under whose immediate command it was taken or destroyed by an enemy. Such certificates, if such officers or agents at the time of giving them, be not in the military service of the United States, must be sworn to, and must positively state that the property was not lost or destroyed through the fault or negligence of the owner, and that the owner did not agree to run all risks. Furthermore, the usual rate of hire of the articles so impressed or contracted for in the country in which they were employed must be stated.

In the second case, the certificate of the officer or agent of the United States, under whose command such horse, mule, or ox, was employed at the time of his death, must be produced.

Before any other evidence will be received, the claimant must make oath that it is not in his power to produce that which is above specified; and, further, that the evidence which he offers in lieu thereof is the best which he is able to obtain. In every case the evidence must state distinctly the time, place, and manner of the loss, and the value thereof.

Fourth claes of cases.

"Any person who, during the late war, has acted in the military service of the United States as a volunteer or draughted militiaman, and who has furnished himself with arms or accoutrements, and has sustained loss by the capture or destruction of them, without any fault or negligence on his part, shall be allowed and paid the value thereof."

This class comprehends two cases:

1. The loss of such arms or accoutrements by the enemy.

2. The loss of the same articles in any other way, without the fault or negligence of the owner.

The provision does not include the clothing of soldiers, or the clothing and arms of officers who, in all services, furnish at their own risk their own. The same evidence, in all respects, is required in this and in the first class, and, moreover, that the loss did not happen from the fault or negligence of the owner.

Fifth class of cases.

"When any property has been impressed or taken by public authority for the use or subsistence of the Army during the late war, and the same shall have been destroyed, lost, or consumed, the owner of such property shall be paid the value thereof, deducting therefrom the amount which has been paid, or may be claimed, for the use and risk of the same while in the service aforesaid."

This provision relates to every species of property taken or impressed for the use and subsistence of the Army, not comprehended in any of the preceding classes, and which shall have been in any manner destroyed, lost, or consumed by the army, including in its scope all kinds of provisions, forage, fuel, articles for clothing, blankets, arms, and ammunition; in fact, everything for the use and equipment of an army.

In all these cases, the certificates of the officers or agents of the United States taking or impressing any of the aforesaid articles, authenticated by the officer commanding the corps for whose use they were taken or impressed, and, futhermore, of the officers and agents under whose command the same were destroyed, lost, or consumed, specifying the value of the articles so taken or impressed, and destroyed, lost, or consumed, and, if any payment has been made for the use of the same, and the amount of such payment, [must be furnished;] and if no payment has been made, the certificate must state that none has been made.

Before any other evidence will be received, the claimant must make oath that it is not in his power to procure that which is above specified; and, further, that the evidence which he offers in lieu thereof is the best which he is able to obtain.

Under this provision, no claim can be admitted for any article which has not been taken by the orders of the commandant of the corps for whose use it may be stated to have been taken. For any taking not so authorized, the party's redress is against the person committing it.

Sixth (and last) class of cases.

"Where any person, during the late war, has sustained damage by the destruction of his house or building by the enemy, while the same was occupied as a military deposite under the authority of an officer or agent of the United States, he shall be allowed or paid the amount of such damage, provided it shall appear that such occupation was the cause of its destruction."

In this case the certificate of the officer or agent of the United States under whose authority any such house or building was occupied must be furnished. Before any other evidence as to this

fact will be received, the claimant must make oath that it is not in his power to procure such certificate, and that the evidence which he shall offer in lieu thereof is the best which he is able to obtain.

Furthermore, in all the cases submitted to this office, every claim must be accompanied by a statement, on oath, by every claimant, of all sums which he may have received on account of such claim from any officer, agent, or department of the Government of the United States; and where he has received nothing, that fact also must be stated, on oath, by him.

It will be particularly noted by claimants that the preceding rules of evidence generally, and more especially, apply to claims which shall not exceed in amount two hundred dollars, and that, in all cases in which the claims in amount shall exceed two hundred dollars, a special commissioner will be employed to take testimony; but in these cases, as far as it shall be practicable, the same rules of evidence will be observed.

In all cases in which the officers or agents of the United States shall have taken or impressed property for the military service of the United States, which property, so taken or impressed, shall have been paid for by them out of their private funds, or the value thereof recovered from them in due course of law, such officers or agents are entitled to the same remuneration to which the original owners of the property would be entitled if such payment or recovery had not been made, and can settle their claims at this office, producing authentic vouchers for such payment or recovery. Nor will any original claimants be paid through this office till they release all claims against such officers or agents of the United States on account of such taking or impressment.

In every case, no claim will be paid but to persons originally entitled to receive the same; or in case of his death, to the legal representative, or, in either event, attorney duly appointed. When attorneys shall be employed, it is recommended to the parties interested to have their powers executed in due form.

All evidence offered must be sworn to, except the certificates of officers who, at the time of giving them, shall be in the military service of the United States, before some judge of the United States, or of the States or Territories of the United States, or mayor or chief magistrate of any city, town, or borough, within the same, or a justice of the peace of any State or Territory of the United States duly authorized to administer oaths; of which authority proof must be furnished either by a certificate under the seal of any State or Territory, or the clerk or prothonotary of any court within the same. But the seal of any city, town, or borough, or the attestation of any judge of the United States, will require no further authentication.

An office is opened on Capitol Hill, in the City of Washington, in the building occupied by Congress during its last session, for the reception of the foregoing claims.

The printers in the United States, or Territories thereof, who are employed to print the laws of the United States, are requested to publish this notice for eight weeks successively, once a week, and send their bills to this office for payment.

All persons who have business with this office are requested to address their letters to the subscriber, as Commissioner, which will be transmitted free of postage.

RICHARD BLAND LEE,
Commissioner of Claims, &c.

Explanatory Supplemental Rule.

OFFICE OF CLAIMS, &c.,
Washington, June 24, 1816.

In all the cases comprised in the notice from this office of the 3d instant, the following supplemental regulation must be observed by every claimant, viz:

Whenever the evidence, on oath, of any officer of the late army of the United States shall be taken, or the certificate of any officer in service at the time of giving it shall be obtained, such evidence or such certificate must expressly state whether any certificate or other voucher, in relation to the claim in question, has been given within the knowledge of such officer. The claimant must also declare, on oath, that he has never received from any person any such certificate or voucher, or, if received, must state the cause of its non-production. In every case the name of the officer furnishing such certificate or voucher, together with its date, as near as can be ascertained, will also be required.

RICHARD BLAND LEE,
Commissioner of Claims, &c.

B.

Copy of a letter from the Hon. William H. Crawford, Secretary of War, to the Commissioner.

WAR DEPARTMENT, *Oct.* 21, 1816.

Pursuant to the eleventh section of the act "making provision for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes," the President has been pleased to direct—

That the first and second sections of the said act do not embrace the cases of officers of the regular army; and that the property which a regular officer may have taken with him in the service, or which he may have been required by law to keep, is not comprehended by the terms "impressed or by contract" used in the third section.

That the provisions of the third section extend only to losses resulting from the acts of the enemy, or from the failure of the Government to supply the necessary forage.

That the ninth section of the act extends only to cases of destruction of property by the enemy which are justifiable by the laws of civilized warfare. The occupation of houses or buildings as places of military deposite, or by an armed force, must be continued up to the time of the destruction.

That the occupation of houses or buildings by an armed force for a night upon a march is not within the meaning of the said section, unless in the immediate presence of an enemy.

That no compensation, by way of interest, rent, or damage, can be allowed under the act for the time which elapses between the destruction of the property and the decision of the Commissioner.

That the act does not extend to the case of consequential injury resulting from the destruction of houses or buildings under the ninth section. No compensation can, therefore, be allowed for the destruction of houses or buildings not occupied as a military deposite, or by a military force.

That, in all cases of doubt or of great importance, the Commissioner shall submit the evidence to the Executive before any decision is made.

WILLIAM H. CRAWFORD.

RICHARD BLAND LEE, Esq.

C.

OFFICE OF CLAIMS, &c.,
Washington, July 1, 1816.

SIR: Several claims have been submitted to me as provided for by the ninth section of the law of the United States entitled "An act to authorize the payment for property lost, captured, or destroyed while in the military service of the United States, and for other purposes." The words of the law are: "Where any person, during the late war, has sustained damage by the destruction of his or her house or building by the enemy, while the same was occupied as a military deposite under the authority of an officer or agent of the United States, he shall be allowed and paid the amount of such damage, provided it shall appear that such occupation was the cause of its destruction."

I find a difficulty in determining what shall be deemed "a military deposite" in the meaning of the law.

1. Must the term be limited to the storing of munitions of war?

2. Can it be extended to a military occupation, however transient, as quarters for soldiers for a month, a week, a day, or a less time?

3. In a day of battle, if soldiers retire to a house to use it as a fortress from which to annoy the enemy, without the order of an officer, will such occupation be within the meaning of the law?

4. In a day of battle, if soldiers occupy a house for such purposes by order of an officer, however inferior may be his grade, will such occupation be within the meaning of the law?

Your official answers to the foregoing questions will very much oblige your obedient servant,

RICHARD BLAND LEE.

The Hon. RICHARD RUSH.

D.

WASHINGTON, *July* 3, 1816.

SIR: I have had the honor to receive your letter dated the 1st of this month.

The thirty-fifth section of the act of Congress of the 24th of September, 1789, is the only law marking down the public duties to be performed by the Attorney General, and I have never felt myself at liberty to assume the responsibility of official opinions not enjoined by the terms or scope of that law.

I beg you, sir, to be assured that nothing but an unwillingness to depart from this rule (which has also, I believe, governed those who have heretofore been Attorney General) leads me to decline giving answers to the questions which your letter has propounded for my consideration.

With great respect, &c.

RICHARD RUSH.

R. B. LEE, Esq.

E.

OFFICE OF CLAIMS, &c.,
Washington, July 5, 1816.

SIR: I enclose to you a copy of my letter of the 1st instant to the honorable Attorney General, and a copy of his reply of the 3d. Inasmuch as he declines answering the questions propounded to him, I must request from you such opinions and instructions on the subject as you may deem pertinent. I have the honor to be, &c.

RICHARD BLAND LEE.

The Hon. SECRETARY OF WAR.

F.

OFFICE OF CLAIMS, &c.,
Washington, October 28, 1816.

SIR: As I find, from conversation with Mr. Graham, Chief Clerk of the War Department, that a doubt is entertained by him whether the claims of the inhabitants of Buffalo, whose houses were destroyed by the enemy on the 30th of December, 1813, and on the 1st of January, 1814, come within the provisions of the ninth section of the law of the 9th of April last, under which I act, I deem it proper to submit to the consideration of the President the testimony in the case of Gilman Fulsom before I definitively decide. This case does not rest on such strong evidence as the few in which I have made awards. From my conversation with Mr. Graham, the principal objection to the Buffalo claims is derived, as I understand, from the official declaration of the enemy to our Government that the village of Buffalo was burnt by way of retaliation. I will observe, that I have not been furnished with this information in an official form, or received any intimation from the Executive Government how far it must be regarded in opposition to the testimony of our own citizens, taken in pursuance of the directions of the aforesaid law of the 9th of April last.

It is certain that this office has not the power of going out of the limits of the United States to take testimony; and the most natural place to obtain the best testimony which the nature of the case may admit of appeared to be where the de-

struction was made. In selecting persons to take this testimony, I have sought out such as stood high in the confidence of the government of New York, and who held respectable judicial stations. I have endeavored, in every instance, both in the regulations concerning the mode of taking and authenticating the testimony, and examining that testimony when furnished, to fulfil the injunction of the law, by "paying a due respect as well to the claims of individual justice as to the interest of the United States," which, in my opinion, will be more certainly promoted and permanently established by acts of justice and restitution to its citizens who have innocently suffered in a war waged for the common benefit, than consigning them to undeserved misery and want, in imitation of Governments which are created and supported by military force, and do not rest, like ours, on the basis of justice and equality of rights.

I am very sensible that, in the adjudications which I am bound to make, it will be extremely difficult always to hit precisely the middle course of rendering a reasonable justice to the claimant without in any degree trenching upon the interest of the nation. But here humanity, considering the relative situation of the parties, will excuse (if they should be discovered) a bearing to the side of poverty and wretchedness. Enclosed I send also a newspaper, which exhibits the course which the British Government has pursued relative to the losses sustained by their Canadian subjects during the late war, as well from the acts of their enemy as their own army.

I shall be happy to receive from the President his instructions relative to the case herewith sent, which I shall consider it my duty to obey. Till then, I shall suspend all adjudications under the ninth section of the law. I am confidently impressed that the awards, in all the cases which I have hitherto decided, relative to buildings destroyed by the enemy during the late war, will be found in conformity to the interpretation and instructions which I have received from him, unless the Buffalo cases shall be excluded by the official declaration of the enemy.

I have the honor to be, &c.

RICHARD BLAND LEE.

The Hon. SECRETARY OF WAR.

OFFICE OF CLAIMS, &c.,
Washington, November 1, 1816.

SIR: I have received your note of to-day, and beg you to inform the President that I feel it my duty to conform strictly to any interpretation which he may be pleased to give to the law of the 9th of April last, to authorize "the payment for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes," and that no decision shall be made on any case depending on the *ninth* section of the said law till I receive his further instructions. I have the honor to be, &c.

RICHARD BLAND LEE.

GEO. GRAHAM, *Acting Sec'ry of War.*

Copy of a letter from the Hon. George Graham to the Commissioner.

WAR DEPARTMENT, *Nov.* 1, 1816.

SIR: Your communications dated the 25th and 28th of last month have been submitted to the President, who has instructed me to say that the third section of the act "to authorize the payment for property lost, captured, or destroyed," &c., will not justify the payment of claims for partial injuries to oxen or horses.

I am also instructed by the President to request that you will suspend all *decisions* under the ninth section of the above-mentioned act until further advised. I have the honor to be, &c.

GEORGE GRAHAM.

RICHARD BLAND LEE, Esq.
Commissioner, &c.

Copy of a letter from the Hon. William H. Crawford to the Commissioner.

DEPARTMENT OF WAR, *Sept.* 7, 1816.

SIR: The President has been pleased to direct that the occupation of houses and buildings by the military force of the United States is embraced by the ninth section of the act "to authorize the payment for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes," and that compensation shall be allowed for damage sustained in consequence of such occupancy, in the same manner as if such houses and buildings had been occupied as a military deposite, under the authority of an officer or agent of the United States. I have the honor to be, &c.

WILLIAM H. CRAWFORD.

RICHARD BLAND LEE, Esq.
Commissioner, &c.

G.

Copy of a letter from the Hon. George Graham, Secretary of War, to the Commissioner.

DEPARTMENT of WAR, *Dec.* 16, 1816.

SIR: I am directed by the President to inform you that, under existing circumstances, it is thought proper that no final decision be made on any case now depending, or that may be exhibited under the act "to authorize the payment for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes," passed the 9th of April, 1816. You will, however, proceed to prepare and arrange all such cases for decision when it shall be deemed proper.

I have to request, also, that you immediately prepare and furnish the report called for by the resolution of the House of Representatives, with which you have been furnished; and, in order to avoid the delay of making copies, the original proceedings may be furnished.

I have the honor to be, &c.

GEORGE GRAHAM.

RICHARD BLAND LEE, Esq.,
Commissioner of Claims, &c.

ANNUITIES TO WIDOW AND CHILDREN OF A. H. DOHRMAN.

[Communicated to the Senate, January 27, 1817.]

The Committee of Claims, to whom was referred the petition of Rachael Dohrman, report:

That, in the documents accompanying the petition, the committee find very satisfactory evidence that the late husband of the petitioner, Arnold Henry Dohrman, rendered important services to the United States during the Revolution, by acts of exalted beneficence and liberality towards American seamen thrown captive on the shores of Portugal by a vindictive enemy, where the said Dohrman then resided. The sense of obligation which prevailed in this country for those meritorious services, in the year 1770, may be estimated from original letters from President Adams, President Jefferson, and Governor Henry, of Virginia. By a resolve of Congress, on the 21st of June, 1780, said Dohrman was appointed agent for the United States at the Court of Lisbon. In a report preceding the resolve, the committee state they "are assured said Dohrman wishes for no salary or emolument for his services, but simply a repayment of his advances, when it shall be most convenient." Original letters are also exhibited from General Washington and Archibald Casey, Speaker of the Virginia Senate, written in 1785, and bearing the strongest testimony to the merits of said Dohrman.

About this period Arnold Henry Dohrman appears to have petitioned Congress for a settlement of his accounts, and for an allowance of a reasonable compensation for his services as agent, which the derangement of his private affairs, arising out of his connexion with and attention to the business of the United States, had made necessary.

On the 1st of October, 1787, Congress resolved to reimburse said Dohrman upwards of $5,000, with interest from the time of expenditure, such sum having been admitted to be due on settlement at the Treasury; and for a further claim of upwards of $20,000, for which documents were offered of too general a nature to admit of settlement by the rules of the Treasury, it was further resolved unnimously "that said Dohrman, for his faithful and generous services as agent of the United States at the Court of Lisbon, should be allowed $1,600 per annum, to be computed from the time his expenditures commenced;" and that he should select a township, at his option, out of the three last ranges surveyed in the Western Territory, free from all charges of survey, after the Secretary of War had drawn the proportionate quantity assigned to the late army; and that the payments and grant of land so made should be in full for all claims of said Dohrman against the United States. Mr. Dohrman appears to have been extremely unfortunate, without fault, in the selection of his township, as is fully set forth in letters from David Hogg and James Ross.

Mr. Dohrman died at Steubenville in 1813, leaving a widow, the petitioner, and eleven minor children, in extreme penury, who now prefer their petition for relief. Instances exist, in the opinion of the committee, where benefits have been extended by Congress of not stronger equity or materially dissimilar principles. The committee conceive the very liberal adjustment of this claim by the Congress in 1787 is the highest proof of Mr. Dohrman's distinguished merits. As he has failed to realize the benefit intended for him by the grant of his township, through real misfortune, the committee apprehend the principles of equity admit of an equivalent being extended to his helpless family, especially as it is believed the United States have received the value of the land he might have selected, but which not to have done was his misfortune. The committee therefore respectfully submit the following resolution, to wit:

Resolved, That a committee be appointed to draught and report a bill allowing $—— annually to Rachael Dohrman, widow of Arnold Henry Dohrman, during such time as she may remain a widow, payable quarterly; and $—— annually to each of the minor children of said Dohrman until they shall respectively arrive at the age of twenty-one years; which benefits shall be received and applied under the superintendence of the Orphans' Court of the proper county.

To the honorable the Senate and House of Representatives of the United States in Congress:

The petition of Rachael Dohrman, widow of Arnold Robert Dohrman, Esq., deceased, humbly showeth: That the said Arnold Henry Dohrmahn died at Steubenville, in the State of Ohio, early in the year 1813, leaving your petitioner and eleven minor children without any means whatever for their subsistence and protection; that, for almost four years, your petitioner has struggled with the hard vicissitudes which attend the maintenance and education of a large family of infant and helpless children, without any resource other than that which her hands afforded her, and the charitable aid which she has received from her kind and beneficent neighbors. From the first of these, age and sickness admonish her to expect but little in future; to the second, she feels that she has already been too often a suppliant, and too long a debtor; that the overwhelming reflection which her future prospect presents, of seeing her children, the offspring of Arnold Henry Dohrman, not only deprived of the substantial comforts and necessaries of life, but stepping upon the stage of active life and business, destitute of all the intellectual acquirements which their father enjoyed, has induced your petitioner to overcome her prejudices of education and finer sensibilities on the subject, and present herself and her children, with their wants and distresses, before the guardian powers of that country for whose interest and independence, in the hour of peril, Mr. Dohrman exposed his life and sacrificed his fortune.

It is due to your honorable legislative bodies

that your petitioner suggest the reasons wherefore she ventures to supplicate the consideration of Congress to her distresses; she, therefore, very respectfully appeals to the journals of the American Legislature for the years A. D 1785, '6, and '7, from which it will appear that, during the struggle of the United States for liberty and independence, Mr. Dohrman's "own house in Portugal was frequently the asylum of whole crews of captive American seamen, who were fed, clothed, and relieved in sickness through his benevolence, and that at a time when his attachment to the cause of America was dangerous both to his person and property;" that, while an entire stranger to every citizen of these then colonies, he ventured to be their only friend in a Kingdom in alliance with, and under the influence of their powerful enemy; that he was afterwards selected as the agent and consul of these then United Colonies to the Kingdom of Portugal, and discharged that trust in such a manner as to have received, not only from the Congress the approbation of the nation, but also the voluntary testimonials of respect and thanks from the governments of the several States. Your petitioner also appeals to the memorials of many living worthies of those bright days of American glory, and flatters herself she may be excused for dwelling with a grateful and pleasing thought on the testimony of Mr. Dohrman's services, voluntarily recorded of him by the illustrious founders of American independence, General Washington, Hon. Patrick Henry, President Adams, President Jefferson, and many others; some of whom, though she forbears to mention their names, she knows were the warm and active friends of Mr. Dohrman, and on whom she now rests a fond hope, knowing that they yet live ornaments of their country, and intrusted with its welfare and its honor.

Your petitioner is not unadvised that Mr. Dohrman received a compensation for his services as agent of the United States at Portugal, and also a donation in lands, as a remuneration for his sacrifices and services in favor of American seamen; nor does she complain of the want of munificence or gratitude on the part of the United States towards Mr. Dohrman, but, on the contrary, she bears witness of the liberal spirit with which Mr. Dohrman was treated, not only by the worthy personages before named and alluded to, but also by the national councils of this, his adopted country; but she feels that she may be permitted to remind the guardians of this great and happy people, that the services of "one who," in the language of Governor Henry, of Virginia, "unallied to them by any ties of kindred or country, opened his purse to their distressed captive countrymen, and took them to his bosom as his brethren," are not to be estimated by any weight or measure; and that the reward which the Congress of the United States intended in their donation of lands for Mr. Dohrman, was not (on account of an unfortunate selection of a township) realized to Mr. Dohrman to one-half of its supposed extent. Mr. Dohrman was entirely ignorant of land himself, and, confiding in erroneous information of others, or misled by false misrepresentations of its quality and situation, instead of a township of even an average worth or quality, he chose one worth less than any other out of which he was entitled to make his selection. And though in this he could have no cause of complaint against the United States, yet, inasmuch as Congress designed for him a greater remuneration than he realized, and the United States Treasury has profited by his unfavorable selection, your petitioner humbly conceives she may well be excused if she has formed too sanguine hopes of a further consideration of the subject by the National Legislature; and even then she trusts that, if noble deeds of patriotism, valor, virtue, or humanity, will anywhere on earth rescue the offspring of the actor from penury and distress, the children of Mr. Dohrman have yet a pledge of promise in the hearts of the American people.

Your petitioner prays to be indulged in the further humble representation that a continued series of misfortunes and disappointments had pursued Mr. Dohrman from the first moment his own house became the asylum of distressed American captives in Portugal until his death, in 1813, in Steubenville, Ohio. Educated in European manners, and indulged in early life in the lap of fortune, he was but too little prepared to meet and buffet the stubborn realities and busy toils of an American merchant or agriculturist. He was, therefore, disappointed in his expectations; embarrassed in his circumstances; his soul was too great to murmur; education had taught him not to supplicate; the little value and dead capital of his land rendered his estate insolvent, and he died the child and victim of despair and sorrow, consoled in his last moments by the animating and pleasing reflection, that though his wife and children were about to become the objects of an eleemosynary subsistence, he left them free in the land he had sought for his home and his sepulchre, and for whose political happiness, though he had sacrificed his own, and depauperated his children, yet they were left to be cherished by those whom he, in his turn, had "fed, clothed, and relieved from sickness." Your petitioner forbears further to relate, but throws herself and children upon the bounty and liberal protection of an enlightened people, and will ever pray.

RACHAEL DOHRMAN.

STEUBENVILLE, OHIO, *Jan.* 6, 1817.

BY THE U. S. IN CONGRESS ASSEMBLED,
June 21, 1780.

The Committee of Foreign Affairs, to whom was referred a letter of 23d May from Mr. P. Henry, late Governor of Virginia, report:

That, from the said letter and other papers laid before them, as well as from the information of Mr. G. Anderson, they find that Mr. Arnold Henry Dohrman, merchant of Lisbon, hath, from the commencement of the present war, manifested a warm and steady attachment to the cause and

interests of the United States; that he hath expended large sums of money in carrying into practice schemes projected by him for assisting them with clothing and warlike stores, as well in supplying great numbers of American prisoners carried into the ports of the Kingdom of Portugal with money and all other necessaries for their comfortable subsistence while there, and for their return to their own country by such routes as they preferred; that, from the great wealth and influence, and the favorable disposition of the said Arnold Henry Dohrman, many benefits might be derived to these States by enabling him to be more publicly and extensively useful under the sanction of authority from Congress; that the committee are assured the said Mr. Dohrman wishes for no salary or emolument for his services, but simply a repayment of his advances when it shall be most convenient: whereupon,

Resolved, That Arnold Henry Dohrman, of the city of Lisbon, merchant, be appointed agent for the United States in the Kingdom of Portugal, for the transaction of such affairs of the said States as may be committed to his discretion.

CHAS. THOMSON, *Sec'ry.*

To the Honorable the United States of America, in Congress assembled:

The memorial and petition of Arnold Henry Dohrman, of Lisbon, in the Kingdom of Portugal, agent for the said United States, respectfully show:

That your memorialist (by birth a subject of the Netherlands) was, at the commencement of the late war between the United States and Great Britain, a resident at Lisbon, in the Kingdom of Portugal, possessed of handsome property, and in full credit as a merchant.

That, having imbibed from early life a strong attachment to the principles of liberty, he saw with anxious and affectionate concern the first efforts of this country to defend and secure the rights of human nature; and carried along by a desire to espouse its cause, unsolicited, and without hope or expectation of reward, at a period, too, when European prejudices and opinions wished and predicted the ruin of that cause, he resolved to devote himself to it by the best services his situation would permit.

That the object which presented itself to him as the one in which he could best execute this resolution with advantage to America, was the preservation and relief of captive seamen whom the fortune of war would throw within his reach. These in considerable numbers, at different times, as well in Spain and in the Western islands as throughout the Kingdom of Portugal, he assisted with supplies of food, medicine, care, clothing, and the means of transporting themselves back to America. His own house frequently received whole crews from the prison ships, from whence the sick and wounded were sent to hospitals, and where the well were entertained and supported till opportunities could be found for their return home; for which purpose they were supplied with every necessary.

That the execution of this plan was attended with great hazard as well as great expense and loss to your memorialist, who soon became an object of the resentment and persecution of the Court of London; upon whose instances with the Court of Portugal, * * * * * your memorialist was forbidden, on pain of banishment, from continuing his assistance to the Americans; but his attachment to their cause would not suffer him to be deterred by menaces or dangers from persisting in what he considered as a duty he owed to the cause of humanity and liberty.

That, happily for him, the events of war favoring the hopes of America, and procuring the countenance of some of the most respectable Powers of Europe, prevented the execution of these menaces; and your honorable body, some time in the year 1780, having been informed of the good-will of your memorialist, and having been pleased, unasked by him, to reward him with the appointment of agent at the Court of Lisbon, your memorialist had the satisfaction (though not recognised by that Court till after the peace) to continue his zealous endeavors for their service, under the authority and sanction of the United States.

That too much of your memorialist's time, attention, and money, was employed in the prosecution of these views, to consist with the prosperity of his private affairs. The diminution of his funds, the disgusts and fears of his friends on account of the part he took, the critical position in which he for a long time stood with the Government, concurred in the ruin of his mercantile credit and interest. The consequence is, that he now stands in need of the bounty of Congress, for what he hopes he has deserved, but never intended, till urged by necessity, and invited by the complete success of the Revolution, to ask a reimbursement of his expenses, and a reasonable compensation for his services.

That, actuated by a strong desire of visiting that land of liberty he so long loved, admired, and served, and of manifesting upon the spot his respect for that august body whose wisdom has founded the American Republic, and at the same time hoping that his presence would enable him to give a more satisfactory explanation of his services and pretensions, your memorialist some time since communicated to Congress his intention to embark for America; which he has since done, leaving his brother, Jacob Dohrman, his substitute at the Court of Lisbon, who has accordingly been received in that capacity, and whose abilities and influence will more than supply the absence of your memorialist.

That your memorialist, being now arrived at the seat of Congress, is happy in the opportunity it affords him of renewing to your honorable body the assurances of his unalterable respect and veneration.

That your memorialist, confident he may expect from the justice and generosity of the coun-

try in whose fate he has so warmly interested himself, not only a proper indemnity for his expenses, losses, and sacrifices, but also an adequate compensation for his services, has only to regret that the circumstances under which those expenses were incurred, and those services performed, do not permit him to offer to Congress vouchers for many of the articles which compose his claim. Your memorialist cannot, however, but flatter himself that indulgent allowances will be made for his situation; to entitle him to which, he begs leave to suggest the following facts:

That a great part of the time he kept no regular accounts; that a considerable proportion of the expense was incurred under his own roof, and confounded with other family disbursements for the subsistence of the prisoners whom he, from time to time, received in his house; that much of what he did was done in a secret manner, to elude public observation, and of course under pretexts and appearances which would not admit of vouchers of the facts; and, in the last place, that he was often obliged, for his own security, to deposite his papers out of his possession; by which means many of them were at different times lost.

Your memorialist, therefore, to supply any deficiencies which may appear, must rely on the notoriety of his sacrifices and services, and must appeal to the accounts received by some of the members of your own body, and to the testimony of respectable individuals now on this continent, which, in the progress of the business, your memorialist, if required, will endeavor to produce.

That your memorialist, having little more in his power than to exhibit a general sketch of the objects of his expenditures, begs leave herewith to submit the same to the consideration of your honorable body, recalling to the attention of Congress the time and circumstances under which he first gave proofs of his attachment to the American cause, the peculiarity of those proofs, the voluntary and disinterested manner in which they were given, by a stranger to the country, and no otherwise allied to its interests than by the sympathy of common principles; the actual sacrifices and personal danger with which they were attended; the instrumentality of your memorialist in preserving to the United States many valuable subjects, part of whom would have lost their lives for want of proper assistance, and others would have been compelled by their necessities to engage in the service of the enemy; the singular situation to which his unsought interference would have reduced him had the Revolution failed; and, in the last place, to the distress and embarrassment which he in fact experienced in consequence of the application of his funds and time to its advancement, &c. Your petitioner will ever pray, &c. A. H. DOHRMAN.

[Presented to Congress, July 19, 1786.]

PARIS, *May* 16, 1780.

SIR: I have received the letter which you did me the honor of writing to me the 11th of April, in which you inform me that more than six hundred of my unfortunate countrymen have received succors from you, without which they must have been reduecd to despair, or forced to engage on board the vessels of their enemies.

In this, sir, you have distinguished yourself by efforts of humanity, which do you great honor, and which deserve more imitation in countries where it is a pity there is so much occasion for them. There would not be so much occasion for them in Portugal, give me leave to say, if it were not for the free admission of British men-of-war and privateers into their harbors, and for the rigorous and impolitic, and I must add unjust, exclusion of American men-of-war and privateers from those ports. Americans have done no injury to Portugal, to deserve a treatment so partial; on the contrary, the long and free intercourse of commerce between America and that kingdom gives them a right to have expected a treatment less hostile. My countrymen, however, ought not to be less thankful to you for your generosity; on the contrary, they ought to prize it the higher. You will please to accept of my thanks as an individual who feels himself obliged to every gentleman, of whatever country, who is good enough to assist his unfortunate countrymen.

I shall take the liberty to enclose your letter to Congress, or a copy of it; but, lest mine should miscarry, I should advise you to write to the President of Congress yourself, and send your letter by some of the Americans who may be at Lisbon.

I am very sorry for Captain Cunningham's captivity, who has deserved well of his country. I was informed of it by a letter from Lisbon before from Mr. Calf, to whom I would write if I did not suppose him gone from Lisbon. I waited on his excellency Dr. Franklin immediately, to inform him, who tells me he has taken such measures as were in his power for the relief of Capt. Cunningham.

I am, with much respect, your obliged and obedient humble servant,

JOHN ADAMS.

Mr. ARNOLD H. DOHRMAN.

VIRGINIA, *May* 24, 1780.

SIR: The many kindnesses which you have shown to our captive countrymen whom the fortune of war has carried within the reach of your inquiries do great honor to your humanity, and must forever interest us in your welfare. I beg leave, on behalf of my countrymen, to assure you that these attentions are felt with sensibility, and that any occasion which shall offer of rendering you service will be cheerfully embraced. Should future events open an intercourse between your country and ours, for the exchanges of productions yielded by the one and wanted by the other, your actions have pointed out the friend to whose negotiations we may safely confide our interests and necessities.

I beg leave to subscribe myself, with the great-

est esteem and respect, sir, your most obedient and most humble servant,

TH. JEFFERSON.

To Arnold Henry Dohrman, Esq.

Richmond Town, in Virginia,
December 12, 1780.

Dear and Worthy Sir: Understanding that there is a conveyance to you by a vessel just about to sail, I sit down, in great hurry of business, to write you this letter. I know not if you have received those already written and sent, and perhaps may repeat some things formerly mentioned, which the uncertainty of conveyances, I hope, will excuse. I must again present my best acknowledgments and thanks for the generous present you ordered to me. Mr. Anderson informs me of it; and, although the accidents of war deprived me of receiving the articles your undeserved generosity intended for me, yet the enemy could not take from me that which your liberality designed—I mean your esteem and regard. Of these I am happy to find myself in possession; and I can assure you that, in return, I give you mine, with all the sincerity and warmth a high sense of gratitude for benefits conferred on my suffering and distressed countrymen can inspire. These benefits can only be equalled by the noble and disinterested manner in which they are conferred; and I hope I shall not be charged with flattery when I say that, among the transactions of this interesting time, some friend to virtue I hope will be found who may record the fact, and inform the world that there lives a man who turned his eyes from scenes of grandeur, dissipation, and the allurements of wealth and pleasure, to behold the virtuous sons of America struggling for the rights of human nature; and, although unallied to them by any ties of country or kindred, he opened his purse to them as distressed captives, and took them to his bosom as brethren. As an American I thank you, sir; and, as a lover of those virtues that adorn our nature, I congratulate myself to see it thus rescued from the general charge of degeneracy. I know how little valuable, in general, empty praises are, especially those that come from this distant part of the world; but they are all we have to give at present. For the present, therefore, accept from me this only tribute which I can give to your merit. Perhaps time may furnish the means of something more substantial in return.

I took the liberty to mention you to Congress. They have been pleased to appoint you agent for the United American States in your country. I wished this to be done, as a mark of regard to you, and beg your excuse if you wished it not to be done. Perhaps, after this appointment, nothing which this particular State could do would be worth attending to of a similar nature.

Your friend, Mr. George Anderson, has often mentioned to me the case of Captain Felt, and I have given him the best assistance in my power in that and every other matter. Indeed, his diligence, assiduity, and alertness are so great that I am confident he will omit nothing for your interest. I can assure you I am happy that I was instrumental in ushering him into your notice and regard, because I am sure he will do your business well and effectually, and he possesses uncommon diligence, joined to capacity and integrity; and be assured I will lend him my assistance and best advice for your interest.

I am at present in private life, except that I am chosen a representative in our Legislative Assembly. The first part of this war I spent in public life; and, from the excessive load of business, I was glad to see the end of three years, to which my office was limited by law. My dwelling is far inland, in the county of Henry, to which place letters to me will be addressed.

At present, the war is changed from the northern to the southern part of the continent. The capture of Charleston has raised our enemy's spirits, although it is of not so great consequence as they affect to believe. Very lately we killed and took prisoners the whole of a party of eleven hundred and odd, that advanced up into the country supposed to be conquered, and none of the party escaped to tell the news. This exploit was achieved by Colonel William Campbell, my brother-in-law, with nine hundred militia, armed only with rifles, and no hand weapons, while the enemy were posted on the top of a mountain, behind their defences. It is accounted one of the greatest exploits performed in America during this war, and has disconcerted the enemy greatly. However, they are preparing to act against us in the South with vigor, and we are preparing for the event of another campaign. It will be pretty obstinate, I believe. The northern States I consider as quite given up by Great Britain, and their only remaining hopes fixed on the southern, where the people are not so warlike, and, from their smaller numbers, not able to resist so effectually; but our forces will march from the North, and, I trust, continue the contest with effect.

It will give me great pleasure to correspond with you, and, on all occasions, to show you that, with the most sincere regard and esteem,

I am, dear sir, your affectionate friend and very humble servant,

PATRICK HENRY.

Arnold Henry Dohrman, Esq.

Richmond, *January* 1, 1785.

Sir: It was not before yesterday that the Senate of Virginia had official knowledge of you, sir, and therefore could not have been acquainted with your conduct in respect to our unhappy countrymen (as well as to others of our sister States) carried prisoners into Lisbon by our cruel and unnatural enemies the British. Struck with surprise on having in proof the numberless instances of your unparalleled acts of generosity to them, and the dangers you run at a time when your Court had shown no open act by which we had reason to expect friendship from her, and when she was in close alliance with our enemies,

we cannot tell which most to admire, your Christian virtues, or your fortitude in exposing your person and fortune to the machinations of our enemies, then in high interest with the august house who governs your country, and with whom we think ourselves extremely happy in having formed, since our independence has been established, a connexion, which we most heartily pray may be continued on the most enlarged and liberal principles. It is with pleasure, sir, we know you are admitted at your Court to act in a public character by commission from the honorable Congress of the United States of America, as it gives us a prospect that, by your abilities, a more open and free commercial system will be adopted between the Kingdom of Portugal and the United States of America.

It is, sir, with the utmost pleasure to myself that, as Speaker of the honorable body the Senate of my country, I have their orders to return you their grateful and warmest acknowledgments for the numberless acts of favors our citizens, as well as others of our sister States, have received from you.

I am, sir, with the highest esteem and respect, your most obedient humble servant,

ARCHIBALD CASEY,
Speaker of the Senate of Virginia.

ARNOLD HENRY DOHRMAN, Esq.

MOUNT VERNON, *July* 9, 1785.

DEAR SIR: I take the liberty of introducing Mr. Dohrman to your friendly notice and civilities. He is represented to me as a gentleman of great merit, and one who, at an early period of the war, (when our affairs were rather overshadowed,) advanced his money very liberally to support our suffering countrymen in captivity.

He has some matter to submit to Congress, which he can explain better than I. I am persuaded he will offer nothing which is inconsistent with the strictest rules of propriety, and, of course, that it will merit your patronage.

With very great esteem and regard, I am, dear sir, your most obedient, humble servant,

G. WASHINGTON.

The Hon. SAMUEL CHASE.

BY THE U. S. IN CONGRESS ASSEMBLED,
Monday, October 1, 1787.

On a report of the Board of Treasury, to whom was recommitted their report on the memorial of Arnold Henry Dohrman:

Resolved, That Arnold Henry Dohrman be reimbursed the sum of five thousand eight hundred and six dollars and seventy-two ninetieths of a dollar, with interest on the same from the time of expenditure, being the amount of sundry disbursements by him made for the relief of American prisoners, agreeably to vouchers examined and admitted by the proper officers of the Treasury.

And whereas the claims of the said Arnold Henry Dohrman against the United States amount to twenty thousand two hundred and seventy-seven dollars and forty ninetieths, over and above the sum of five thousand eight hundred and six dollars and seventy-two ninetieths, as above stated, in support of which various and important documents are offered, though of a nature too general to be admitted agreeably to the rules of the Treasury: and whereas this deficiency of vouchers appears to arise from the nature of the disbursements made by Mr. Dohrman, whose own house was frequently the asylum of whole crews of captive American seamen, who were fed, clothed, and relieved in sickness through his benevolence, and that at a time when his attachment to the cause of America was dangerous both to his person and property: and whereas Congress are disposed to acknowledge in the most honorable manner the eminent services rendered by Mr. Dohrman, and to make him further compensation:

Resolved unanimously, That the said Arnold Henry Dohrman be allowed, in consideration of his faithful and generous services as agent from the United States at the Court of Lisbon, the sum of sixteen hundred dollars per annum, and that the said salary be computed from the period at which his expenditures commenced, to the present day.

Resolved unanimously, That one complete and entire township, subject to the reservations as in the other townships, agreeably to the ordinance of the 20th May, 1785, out of the three last ranges surveyed in the Western Territory of the United States, be, and hereby is, granted to the said Arnold Henry Dohrman, free from all charges for survey; and that the said Arnold Henry Dohrman be allowed to make choice of the aforesaid township of land out of any of the said three ranges last surveyed, after the Secretary of War shall have drawn for the proportionate quantity of land assigned to the late army, agreeably to the said ordinance of the 20th May, 1785.

Resolved unanimously, That the above payments be made in such manner as the present state of the finances will best admit of, and that the same, together with the grant of land as aforesaid, be in full of Mr. Dohrman's claim against the United States.

CHARLES THOMSON,
Secretary.

STEUBENVILLE, *Jan.* 8, 1817.

SIR: I have seen and read the petition of Mrs. Dohrman, forwarded to you by last mail, and take the liberty of stating that I believe the facts contained therein, so far as I have had any opportunity of ascertaining them, to be true. I have, from time to time, made particular inquiries as to the value of the land which Mr. Dohrman received as a donation, and have no hesitation in saying that I consider it as the worst township in the three western ranges of this district out of which Mr. Dohrman had the right of selection. He was undoubtedly imposed on

by his agent, who most probably made the selection from a mere inspection of the map, without an actual view of the land. The loss sustained by Mr. Dohrman in the selection has been gained by the United States; so that, on this ground alone, Mrs. Dohrman would appear to have a fair claim.

Whether the donation made to Mr. Dohrman, if it had been realized to its full amount, was an adequate compensation, you will be better able to decide on a view of the documents accompanying the petition. I must confess that, to me, it always appeared a very inadequate return for services so disinterested, and so far transcending the common limits of benevolence. The grant was made in the year 1787. At that time the country not being settled, the land would not have sold for fifty cents per acre. If, as I believe it was, the expenditure was made more than eight years before that time, the land, at the time of the grant, would not have sold for the interest of the sum actually advanced by Mr. Dohrman, and acknowledged by Congress to be justly due. It will be recollected that the adjoining lands were not offered for sale for thirteen years afterwards, viz: in 1800, when this office opened, and few sales were made so far west as Mr. Dohrman's township for several years after that period. It is probable, therefore, that no sale could have been effected prior to 1800; and I am convinced that neither at that time, nor at any period since the grant, could the township granted to Mr. Dohrman have been sold for the interest which would at the same period have been due on the sum expended by him, if I am correct as to the date of that expenditure. I do not believe it would now sell for half that amount, and I am well assured that it did not, in fact, produce half that amount to Mr. Dohrman.

On every view, then, that I can take of the subject, considered merely as a money transaction, the compensation appears to have been very inadequate. But, on this occasion, it is to be hoped that a great and generous people will not confine themselves to a mere counting-house cent and dime calculation of debit and credit. By what scale can you measure the benevolence of heart that prompted to such generous disinterested humanity as Mr. Dohrman evinced towards our suffering countrymen! By what rule can you estimate the wounded sensibilities of a generous and cultivated mind, reduced from affluence, from having the power of dispensing bounty and relieving distress, to a state of dependence and want—to need, though he disdained to ask, that charity which he had, in better days, been so prompt to bestow.

Mr. Dohrman, sir, died two doors from me, literally of a broken heart, without one ray of hope, as to this world, to cheer the gloom, but what arose from the expectation that this his adopted country, whose friend he had been in her peril and distress, would not, in her day of prosperity, abandon his now helpless family.

I indulge the hope that Mrs. Dohrman's petition will meet a favorable reception; and that we may not see in our streets, earning a scanty subsistence by the labor of their hands, friendless and uneducated, the children of this early and warm friend of our country, whose heart, whose house, and whose purse were so promptly and kindly opened to our distressed and suffering countrymen.

I have the honor to be, very respectfully, sir, your obedient servant,

DAVID HOGG.

P. S. I will thank you to communicate this, or the substance of it to Mr. Morrow. I would have written to him also, but that I have not the pleasure of a personal acquaintance with him.

D. H.

Hon. Benjamin Ruggles,
Washington City.

Pittsburg, *Jan.* 13, 1817.

Dear Sir: A petition will be presented to Congress this session by the widow and children of Arnold Henry Dohrman, stating their present distressed condition, and praying relief in some shape from Congress.

Mr. Dohrman's meritorious claims were considered and settled by the old Congress on the 1st of October, 1787, as appears by the Journals of that date. You were then a member, and may recollect Mr. Dohrman, who lived long in the city of New York, where his dwelling was twice destroyed by fire. Owing to these and other misfortunes, he was obliged to abandon mercantile pursuits; and, as a last resource, he removed to the Western country, in the hope that he might derive subsistence for his family from the township allotted to him in the seven ranges by the resolution of Congress. Antecedent to his removal hither, he was obliged to mortgage his township to some of his creditors in New York, and this disabled him from making the best of it by subdivision or improvement.

He was in deplorable embarrassment when he reached this place, and, on examination, I found that he had unfortunately selected one of the worst townships in all the ranges, having been misled by the information of a surveyor who traced two outlines of it, where the land happened to be good, but who never had examined the land of the interior. Indeed, at that time the country was little known even to the surveyors, who were obliged to employ guards to protect them against the savages, while they marked the boundaries of the townships, without exploring any of the lands further than this operation required. The whole of his township is hilly, broken with gullies, remote from settlement or improvement, and would not now command $10,000 at a public sale; whereas, had he been well informed, he might have taken one that would now produce $100,000. He did, however, accept what was offered, on the best advice he could obtain, because he could get nothing else from Congress, who were destitute of funds to reimburse his advances. He accepted it, believing that he was taking the best land, which Congress evidently

intended should be the best, but which by mistake happened to be among the worst.

He removed from this place to Steubenville, that he might live at less expense, and be nearer to his lands. His large family (chiefly females) was managed and sustained with an economy and frugality beyond anything I ever witnessed; yet in the end his avails from the lands were exhausted, and all credit at an end, although his situation was among the best he could have chosen; for the society in which he had become resident were kind and liberal to him, and have continued their beneficence to his helpless family.

As he had numerous documents and letters showing the high opinion entertained of him by many in the old Government who are still living and in public stations, he was advised to go in person to the City of Washington, and make his condition known, in the hope that as he, in the days of his prosperity and our distress, had never permitted one of our captive seamen to suffer, but his house had been their hospital and their home, we, in our turn, would extend to him a helping hand, to redeem him from the calamities that had overwhelmed him. He prepared to take this journey, and was furnished with means for his expenses, but he sickened and died before the season allotted for leaving home.

Although he did not live to solicit relief, yet it is earnestly hoped that his family may not be forgotten. Provision may be made for them without furnishing any dangerous precedent. Their case is such as can have no parallel. Lands offered and accepted, the value of which was unknown and could not be ascertained on account of danger from a public enemy; bad land taken, where good land was intended by Congress, the grantee a stranger, never in the Western country; his services great, his subsequent misfortunes, the helpless state of his family—all combine to justify an indemnity for this mistake, either in money, or, what would appear more specific, a grant of land to trustees, with power to sell on such credits, in such portions, and by such subdivisions as they may think advisable, for the support of the family and education of the children; the accounts of the trustees to be submitted to the court of Jefferson county, Ohio, and approved by them; the court to have full power to fill up vacancies occasioned by death of trustees, &c., and to compel a faithful execution of the trust as in other cases.

I am persuaded you will cheerfully co-operate in promoting any proper measure for the attainment of relief for this truly wretched family, now dependent altogether on the liberality of our country; and, if you see no fatal objection to their claim, let me ask for them not only your good offices in explaining their case to the Senate, but that you would also take the trouble of communicating to Mr. Hopkinson and Mr. J. Wilson of the House of Representatives all that you may deem useful towards forwarding the measures that may be adopted for their benefit; they will, I am sure, be ready to assist in all that ought to be granted.

Having an intimate knowledge of all Mr. Dohrman's affairs, ever since he came to the Western country, I can speak with certainty of the correctness of all that I have stated; and I will only add, that I have never known a family more forlorn and helpless, without any blame upon their own management of the means in their hands.

I have entreated your assistance in this charitable business the more readily as it affords me the opportunity of presenting myself again to your recollection, as well as of assuring you that I remain with the highest respect and esteem, dear sir, your faithful friend, and most obedient servant,

JAMES ROSS.

Hon. RUFUS KING.

An Act for the relief of the widow and children of Arnold Henry Dohrman, deceased.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is, granted to Rachael Dohrman, widow of Arnold Henry Dohrman, late of Steubenville, in the State of Ohio, deceased, the sum of three hundred dollars, annually, during her life, payable quarterly from and after the 31st day of December, 1816.

SEC. 2. *And be it further enacted*, That there be, and hereby is, granted to each of the minor children of the said Dohrman, until they shall respectively arrive at the age of twenty-one years, the sum of one hundred dollars, payable quarterly from and after the 31st day of December, 1816; the said grants to the said minor children shall be received and applied for their support and education, and shall be accounted for in conformity to the laws that now are, or hereafter may be in force in the State of Ohio, providing for the management of the estates of orphans.

SEC. 3. *And be it further enacted*, That the grants herein made shall be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, March 3, 1817.

LOSSES SUSTAINED DURING THE REVOLUTION.

[Communicated to the Senate, January 31, 1817.]

The committee to whom was referred the petition in behalf of the representatives of Francis Cazeau, reported:

That the claim is founded on losses sustained during the American Revolution; and as the history of the circumstances are considered necessary to a right understanding of the merits of the case, the committee offer this as an apology for the report being more than usually long.

Francis Cazeau, a native of France, and late a merchant at Montreal, served in the war of 1756 in Canada, under Generals Montcalm, De Levi, and De Lusignan, and returned to France in the latter part of the year 1763, where he was presented to, and had several conferences with, Monsieur de Choiseul, then Minister for Foreign

Affairs at Versailles, in which that Minister gave him to understand that France had yielded to necessity in the late cession of Canada to Great Britain, and would seize the first opportunity that presented of recovering the provinces of Canada, Nova Scotia, and Newfoundland; that with this view the Minister encouraged the said Cazeau to return to his usual residence and commercial pursuits at Montreal, in order that he might serve and promote the French cause and interest in the said provinces, by keeping up the attachment of the Canadians to their late Sovereign, the King of France, and by preserving a good understanding with the different Indian tribes. Soon after this, Mr. Cazeau returned to Montreal, where he extensively carried into effect the wishes of Monsieur de Choiseul.

In the year 1774, after some disturbance had taken place in Boston, Mr. Cazeau received a message from M. de Vergennes, French Minister for Foreign Affairs, by the hands of two messengers despatched to him at Montreal for that purpose. The object of this mission was to renew the request and instructions before given by M. de Choiseul, and to solicit Mr. Cazeau's aid in behalf of the American revolutionists; assuring him that the cause of the revolutionists was united with that of France, and would speedily receive her vigorous and cordial support. That, in the year 1775, a man by the name of Walker, authorized by Congress, then sitting in Philadelphia, delivered into the hands of Mr. Cazeau a letter addressed to the people of Canada by the American Congress; and the said Walker requested Mr. Cazeau to give this letter a speedy and extensive circulation in Canada, to promote the cause which Congress had undertaken.

In the following November of the same year, (1775,) Edward Antill, afterwards colonel of the Canadian regiment commanded by General Hazen, delivered to Mr. Cazeau the original of another letter addressed by General Washington, then commander-in-chief of the American forces, to the people of the province of Canada, which Colonel Antill requested him to circulate in like manner.

In the beginning of the year 1776, Mr. Cazeau received a third letter addressed to the people of Canada by the American Congress, for the purpose of being circulated in the same manner as before; which three letters were all distributed and made public by Mr. Cazeau as requested, and it is believed were productive of much good. It was also in November, 1775, that Generals Montgomery and Wooster, a few days after entering Montreal, applied to and solicited Mr. Cazeau, in the strongest and most pressing manner, in the name and by the express authority of the American Congress, to serve the cause of the revolted colonies, (now the United States,) through his interest and influence in Canada, assuring Mr. Cazeau at the same time, in the name of Congress, that he should receive full and adequate compensation for any dangers, losses, and injuries he might incur from so doing.

In November, 1778, Count d'Estaing, commander of the naval forces of France, then lately arrived at Boston, deputed Father Germain, an ex-Jesuit, to present to Mr. Cazeau a proclamation, in the name of the King of France, to his former subjects in Canada, with a request that he would give it publicity, and informed him at the same time that his conduct had received the fullest approbation of the French Ministry; and repeated to Mr. Cazeau the assurance that the cause of the United States and France was the same; and that the King of France would guaranty any claims he might have upon the United States, in consequence of services rendered, or for those that he might hereafter perform.

Mr. Cazeau, though transferred with his property at Montreal, by the peace of 1763, to the British crown, still retained all his attachments to his native country, her monarch, and her interests; and, preferring the common cause of the United States and France to that of Great Britain, and urged on to act by the united solicitations of both Powers, notwithstanding the splendid hopes and rich allurements held out to him by Sir Guy Carleton, the British Governor of Canada, embarked his life and fortune in the cause of revolted America, which he faithfully served and eminently promoted.

In order that your committee may give a more comprehensive view of the manner in which Mr. Cazeau has thus served and promoted the cause of their country, they beg leave to make some selections from statements under oath, which they pray may be considered as part of their report.

In the year 1775, when Mr. Cazeau had distributed abroad the invitation of Congress to the people of Canada, he made use of his agents in the fur trade to promote dispositions favorable to the cause of America among a great number of tribes of Indians, with whom he had an extensive commercial intercourse; and he caused the Indians to dissemble with the British Governor of Canada, who, unsuspicious of the stratagem, stripped the province of his regular troops, and thus facilitated the entry of Major Brown into Canada, where he met at every place with assistance and friends, and took possession of several posts.

The reinforcement under General Montgomery, expected in the latter part of this year, and which, destitute of every necessary provision, was supplied by Mr. Cazeau, enabled him to take passession of a flotilla of Carleton's, in the river St. Lawrence, by which he entered Montreal in November of this year.

The letter of General Washington, addressed to the Canadas, being circulated by the emissaries of Mr. Cazeau, he strengthened the partisans of Congress in that quarter by gaining over the irresolute, and by engaging numbers of the inhabitants to join under the banners of Montgomery, offering, as an inducement, to many, entire absolution from the debts they owed him, and to others gave such necessary provisions and comforts as their necessities required. Of these the General formed three bodies of troops, and

assigned the commands to Colonels Livingston, Dugan, and Hazen, who served with great zeal during the war. And these sacrifices do not form an item in the present claim, as they never were estimated or presented.

In 1776, in addition to the service rendered by the circulation of exhortations of Congress to the people of Canada, Mr. Cazeau procured intelligence to be given to Generals Wooster and Arnold, which disconcerted the plans of General Carleton when he considered the success of his troops most certain; and, during the blockade of Quebec, Beaujeu, the emissary of General Carleton, was prevented, by the interference of Mr. Cazeau, from recruiting at Montreal and other places, by which the blockade was continued till the Spring, when eight thousand troops, under the command of General Burgoyne, came to their relief, and the capture of the post of Cedars by the American troops was facilitated through the influence of Mr. Cazeau, who prevented the inhabitants of the province from joining Captain Moore.

In 1777, new offers were made to Mr. Cazeau by General Sir Guy Carleton to win him over to the interest of Great Britain, which he again refused, and retaliated on the General by gaining over the emissaries and spies of the British party, by means of whom he unravelled the plans of their campaign, and frustrated the contemplated junction of the two armies of Clinton and Burgoyne. He contrived that the Americans should have intelligence twenty-four hours before the British of every order with which their procured emissaries should be charged; and by this means Colonels Solinger and Sir John Johnson were routed on Lake Ontario—an event which led the way for the celebrated victory of General Gates at Saratoga, that gave so decided a character to the hopes of the Revolution.

It was owing to the fortunate intelligence given in 1778 by Mr. Cazeau to Generals Schuyler and ——, that the capture of General Rochambeau in Rhode Island, with four thousand five hundred men, was prevented, as Admiral Howe was upon the point of landing ten thousand troops, by whom they would have been surrounded; and the surrender of Fort Sorrel to the troops of Congress, which had been negotiated between him and a British officer of distinction, would have been effected, if an American officer had arrived at the time appointed.

In the year 1779, entertaining still the hope that the promised American troops would arrive, Mr. Cazeau renewed his plans against Fort Sorrel, and, in concert with the British officer before mentioned, he sent off in July an Annoyote Indian with a letter containing the necessary information as to the state of things, and requesting troops to be immediately despatched into Canada. The failure in the execution of this plan, and the loss of this most favorable opportunity of aiding the cause of America, can, in the opinion of Mr. Cazeau, be only ascribed to the disaffection of General Arnold, of which at that time he was wholly unconscious.

Understanding in the year 1780 that the town of Quebec had not more ammunition than would be equal to a siege of ten days, and that it was as ill furnished with provisions, without any hope of supply for some time, and that there were only about four thousand five hundred troops dispersed throughout the whole extent of the country, a Mr. Kenay was sent off by Mr. Cazeau, express, to give this intelligence to Congress; but, unfortunately, being imprudent in the selection of his guide, they were discovered, and this detection caused the imprisonment of Mr. Cazeau, who, still intent upon his object, though in prison, found means to send off one Mynor, another express, to carry a duplicate to Congress of the same intelligence that had been confided to Kenay; but the treachery of Arnold rendered abortive almost every plan that could be devised.

Though confined in prison for nearly two years and a half, the devotion of Mr. Cazeau to the cause of America was not lessened; and the resources of his intelligent mind were perpetually furnishing aid even in this situation. During the period of imprisonment, he gained over to his interest the spies of the British Governor, and obtained from them every message they were charged with; and he procured the escape of numerous prisoners (both French and Americans) at different intervals of time, by whom he forwarded to Congress, or to the American commanders, whatever important intelligence he procured from the British spies.

Informed that a body of troops was forming at Albany under the command of the Marquis de Lafayette, for the purpose of entering into Canada, though still confined to his prison, Mr. Cazeau arranged a plan, with the before-named British officer who had undertaken to surrender Fort Sorrel, to put the British forces between two fires, and to surrender their General in case of a general action; and also to deliver up in the night one of the gates of Quebec if any American troops should present themselves before it.

Worn out with expectation, and disappointed in every scheme to procure the admission of troops into Canada, Mr. Cazeau made another and last attempt, through Mr. Rey, (a French officer,) whom he deputed to Congress for that purpose, and, though still unsuccessful, he had the satisfaction to learn that there was a coincidence of plan between him and General Washington, inasmuch as the General had, with equal earnestness, though with similar want of success, solicited both Congress and the French Minister that the troops commanded by Count Rochambeau should be sent into Canada. Reduced to the last extremity, and finding that his presence in Canada could no longer, under existing prospects, be useful to the common cause of the United States and France, Mr. Cazeau effected his escape from prison, and took with him his son, Colonel Gordon, and six other prisoners, and made his way into the United States.

During the period of his captivity, from 15th April, 1780, to 23d August, 1782, Mr. Cazeau was eminently serviceable, both by the correspondence

which he carried on, as well as by effecting the escape of American and French prisoners, which he did to the amount of more than 150 persons, a great portion of whom were officers, and for whom he furnished the necessary equipments, provisions, and guides to enable them to get off.

It appears that Mr. Cazeau was appointed to the rank of colonel by General Montgomery, at Montreal, in November, 1775. But, by an express agreement and understanding between them, his name was not inscribed on the list of American officers, as that would have exposed his safety, inasmuch as it was necessary that he should live among the enemy, and would have put it out of his power to render those services that were expected from him.

From the evidence laid before your committee, they believe that Mr. Cazeau was a man of very large fortune at the commencement of the American Revolution, which was certainly sacrificed in consequence of his adherence to that cause, as what was not consumed by him in the service of America was confiscated and lost upon his retiring into the United States. He escaped with his son from prison, and came into the United States destitute of everything, reduced from affluence to poverty, and stood before the American people, to whose emancipation he had been greatly instrumental, a suppliant for justice—claiming from the Government a mere indemnity for pecuniary losses incurred at their instance and in their behalf, and generously making them a gift of what was more valuable than money, viz., his toils, his perils, and his sufferings.

It appears, from evidence of the most respectable kind, that Mr. Cazeau was a man of perfect integrity, and worthy of all confidence; and that no doubt can exist but that he did render all the services here set forth.

Nothing is better calculated to show the generous and disinterested sentiment which directed him to espouse the cause of America, as well as to prove the importance of his influence, than a consideration of the magnificent offers that were made him by the British Governor of Canada to draw him over to that interest. He was offered by the British Governor, in 1775, a grant of fifty-two square leagues of valuable land, containing, by estimate, about 366,912 acres. He was offered the general supply of the British army, the command of such a body of troops as he could raise, together with the commission of a brigadier general; and such was the eagerness to make the grant, that Mr. Jenkin Williams, judge of the court of common pleas and register of the secretaryship of Quebec, had been caused to sign a request for that grant, the record of which was actually made at the office.

The petition of Mr. Cazeau having been first presented to the Congress in 1783, a strong impression appears to have been entertained in that body favorable both to the merits of the claim and the worthiness of the petitioner, as they not only showed a disposition to settle and allow the claim, but seemed to have entertained the idea of granting him the island of Michilimackinac, as an additional compensation for his services. This last intention was frustrated by the retention of the post of Michilimackinac after the peace of 1783, and a small advance of money was made as an earnest of the first.

In the year 1784 the subject was again brought before Congress, and a committee, consisting of Colonel Monroe, Mr. Howell, and Mr. Sherman, made the following report, which the committee beg may be received as a part of their report:

BY THE U. S. ASSEMBLED IN CONGRESS,
March 18, 1784.

Resolved, That as the depreciation of paper currency (mentioned in Mr. Cazeau's memorial) did not arise from a voluntary act of Congress, but was an evil forced upon us by our exigencies, hath been injurious to our own citizens as well as to foreigners, and as no compensation hath been made the former for the losses they have sustained thereby, the United States in Congress assembled cannot, with justice, discriminate between them and any other class or description of men.

Resolved, That whatever stores or provisions Mr. Cazeau purchased and collected for the use of the American Army, by engagement of the officer commanding the detachment, or other person duly authorized by him for that purpose, whether they reached the detachment or not, if so purchased and collected, they were destroyed, and he in that degree injured, the United States are in honor and justice bound strictly to make good the loss he sustained thereby, provided it shall not appear, in the liquidation of his accounts, that the said stores and provisions were to have been at his risk until the delivery thereof.

Resolved, That whatever Mr. Cazeau advanced to expresses, to give necessary communications to our generals, should be repaid him.

Resolved, That the sale of his goods to the inhabitants of his province, to promote our interest upon cheaper terms than he might otherwise have obtained, was an act of benevolence not authorized on our part, and can, therefore, in justice, give him no claim for retribution.

Resolved, That an interest of six per cent. per annum, from the 1st day of May, 1777, be allowed to Mr. Cazeau on the above advances, and on the amount of the articles so purchased and collected.

Resolved, That the Superintendent of Finance be, and he is hereby, directed to advance to Mr. Cazeau the sum of $5,000 on account, and to order his account to be adjusted, and to give him certificates for the payment of the balance at such early and convenient times as the finances of the United States will admit of.

Resolved, That, in settling the accounts of Mr. Cazeau, his own testimony, under oath, be admitted in support of such other evidences as the circumstances of the case will admit.

C. THOMSON, *Secretary*.

BY THE U. S. IN CONGRESS ASSEMBLED,
June 7, 1785.

On the report of a committee, consisting of Mr. Ellery, Mr. Monroe, Mr. Read, Mr. William-

son, and Mr. Spaight, to whom were referred sundry applications from Canadian refugees—

Resolved, That the commissioners for settling the accounts of the State of New York with the United States be authorized and directed to examine the accounts of such Canadian refugees as have furnished the late armies of these States with any sort of supplies, and report thereon to Congress.

That the said commissioners cause the foregoing resolution to be published in Canada, and in such of the States in the Union as he may judge proper, to the end that such Canadian refugees may be duly informed thereof.

CHARLES THOMSON.

Copy of the account of the 1st of November, 1783, given to Congress.

The United States of America in account current with Francis Cazeau, Dr.

1777. March.	For 8,000 (minoto) bushels of wheat, at $1 a bushel, as it appears by certificates numbered - - -		$8,000 00
	Expenses and commission -		2,633 30
May.	For three boats loaded with wine, brandy, cheese, tea, shoes, hats, including the boats, as appears by certificates - - - - -		4,000 00
	Expenses and commission -		1,404 43
1778. Aug.	For the hire of an Indian, called Jean Baptiste, sent to General Schuyler, the same express having been sent by the General to the honorable Congress -		72 00
1779. July.	For the hire of an Indian Annoyote, sent to General Schuyler, who sent him back to Congress - -		58 00
1780. Feb.	Paid to Mr. Kenay and to his guide, called Trudelle		74 60
Oct.	For an express sent by Mr. Rey - - -	$48	
	For money paid to him by Rey at his departure - - -	16	
	Paid to his guide -	8	
			72 00
			16,314 45
Interest at six per cent. for six years and a half - - - - - - - -			6,357 25
	Total - -		$22,671 70
1783. Feb.	Received in cash on account, upon the order of the honorable Congress -	$1,000 00	
Interest from the 6th February to 6th November - -		45 00	
Error in the calculation of interest on the sums advanced to express - - - - -		26 08	
			1,071 08
Balance due to Francis Cazeau - -			21,600 62
			$22,671 70

Copy of the affirmation of Mr. Cazeau.

ALBANY, *July* 24, 1785.

I, Francis Cazeau, do swear solemnly that, in the year 1776, I made a verbal agreement with General Arnold, commanding the American troops in Canada, to furnish to said troops certain articles of provisions and ammunition, for which the current prices in said province were to be paid to me, together with all the expenses attending the collection of them in convenient deposites, and in sending them to the Army, besides a commission of five per cent. on the total sum. At the same time, General Arnold agreed to indemnify me for all inevitable losses or capture, from the time the provisions should be collected to that of their delivery; that, conformably to the said agreement, a quantity was collected by my direction, of which the wheat, mentioned in the first article of the account, was entirely destroyed and lost; that the provisions of the second article, having been procured and sent in the same manner, have been plundered and entirely destroyed, with the boats; and that the prices and expenses set in the present account are not above those current at that time and place. I declare, besides, that the account passed in conformity with the agreement is just, without fraud towards the United States; and that I have not received either payment or compensation but what is carried to the credit of the present account.

FRANCIS CAZEAU.

WM. BARBER, *Commissioner, &c.*

Revisal of the above account by William Barber, Commissioner appointed by a resolve of Congress of the 27th June, 1785.

ALBANY, *July* 27, 1785.

SIR: The United States in Congress, by their resolve of the 27th June last, have been pleased to give me the power of examining the accounts of those Canadian refugees who have furnished the armies of these States with provisions of any kind, and to make report to Congress. I have examined the claim of Mr. Francis Cazeau, and have the honor, through your Excellency, to report that, as Congress, by a resolve of the 18th March, 1784, thought proper to order that Mr. Cazeau's own testimony, under oath, should be allowed in support of all other evidences which the circumstances of his case required, I have therefore taken it, (such as is annexed to this,) by which it would appear that, by an agreement entered into between Mr. Cazeau and General Arnold, all provisions and munitions furnished by virtue of the said agreement were to be at the risk of the United States up to the delivery; and, by other concurrent testimony, the quantity charged in his account was *bona fide* procured with the intention of aiding our army; and that the said provisions and munitions were inevitably lost and destroyed before they were demanded and had arrived to our troops.

It would appear, also, as well by the testimony of Mr. Cazeau, as by a comparison of the price of wheat in those States, that the prices charged

are not above the prices current at that time; therefore, conformably to the last act of Congress above mentioned, which has laid down the principles by which the present account is to be governed, it would clearly appear, and I am entirely of the opinion, that the sums charged for the wheat, the three boats, the provisions, and advances to gain intelligence, are just; that the United States owe to Mr. Cazeau the sum of $8,000 on account of the first article, and $4,000 on account of the second; and that the United States owe also to Mr. Cazeau, for advances made at different times to procure intelligence, the sum of $276 64, and for advances made for the use of the troops of the United States. As to that which relates to the expense of transportation of the aforesaid provisions, and the commission on the purchase, although it appears, by the testimony of Mr. Cazeau, that these allowances should be made, yet I presume that a special act of Congress is necessary to confirm this part of the agreement before any sum be placed to his credit on that account. I am, at the same time, of the opinion that the ordinary commission ought at least to be allowed to Mr. Cazeau on the amount of his purchases, together with a compensation for the extraordinary expenses which he had to incur in procuring and forwarding the provisions, as well as the expenses which he has incurred in obtaining a settlement of his account.

I am your Excellency's very obedient servant,

WILLIAM BARBER,

Commissioner of Accounts, N. Y.

His Exc'y the PRESIDENT *of Congress.*

The amount thus settled on account, by order of Congress, falling far short of what Mr. Cazeau thought he had a right to claim, as he entered into the service of the United States at the beginning of the Revolution with an estate worth more than three hundred and fifty thousand dollars, and came out of the war in penury and distress, he declined accepting the amount liquidated by Mr. Barber, Commissioner of Accounts for the State of New York, not understanding the same to be on account, but in lieu and in full satisfaction of his more ample claim.

Emboldened as he was to risk everything, by the solicitations of the American Congress, who, together with the Government of France, were pledged to the amount of whatever losses he might sustain; and buoyed up for a time by the flattering prospects that were presented to him, before the fervor of gratitude for his aid had subsided, it is not wonderful that, when wearied down with the pursuit of his just claim, and sinking with despair, he should have given expression to his feelings in the following pathetic style, viz; "The favorable disposition that was shown towards me at that period (1783) by the Legislature of the United States, and the liberal concessions of land which were announced by several* members of Congress as being intended to be made to me as an indemnity spontaneously granted by national munificence, had rendered me extremely moderate and reserved in all my demands relative to the determined objects of my account, and also in the several valuations, which seemed in some measure to be left to my own arbitration. But after having been kept until this day in vain expectation of the justice that was promised; after having worn out the rest of my life by twenty-four years of fruitless solicitation, attended with continual fatigue, sorrow, and the deepest misery, since a great nation has enjoyed that happy state of independence which my eminent services have contributed to establish; reduced as I am now, bordering upon my grave, to invoke only a strict and impartial justice, which, although I may never enjoy the effect of it, my creditors, my benefactors, and my children may partake in, I cannot dispense with stating each particular object of my loss at its fair value at the time when I was dispossessed of my property."

Mr. J. B. Stuart, the authorized petitioner in behalf of the family of Mr. Cazeau, and his assignee, was in London in March last, (1816,) in quality of Chancellor of the United States Consulate at that place, when his claim was presented to Mr. Adams, the American Minister at that Court, and who was at the same time informed that Francis Cazeau was then dead, leaving a wife and children in Paris in total poverty, who were then, and for eighteen years before had been, subsisting on the benevolence and charity of a Mr. Corbeaux, the brother-in-law of Cazeau, who was himself in rather indigent circumstances, and to whom Cazeau, in his lifetime, as a retribution for his generous support of himself and family, had made an assignment of part of his claim, and a power for the recovery of the whole; that Mr. Cazeau's advanced stage of life (being upwards of ninety years of age when he died) prevented him from crossing the Atlantic to prosecute the claim.

Mr. Adams referred the business to the Consul, for him to put it into the hands of some fit person, to be presented to Congress; and the petitioner was selected as that agent.

This claim has been revived, from time to time, as far as it was in the power of Mr. Cazeau to revive it, as your committee are induced to believe that it has been regularly presented to the attention of every American Minister at the Court of France since the Revolution.

From a view of all the circumstances attending this case, and a thorough and patient investigation of the voluminous documents and memoir presented with this claim, a brief sketch of which is here presented to the Senate, the committee are of opinion that Francis Cazeau was a meritorious and useful friend to the cause of the American Revolution; that he consumed much of his property to aid the establishment of our independence; and that his firm adherence to the United States in that arduous struggle was the cause of his being reduced from the greatest affluence to the extremest poverty. They are further of opinion that Mr. Cazeau was solicited by the old Con-

*Mr. Jefferson, Mr. Monroe, Mr. Howell Mr. Henry.

gress, and by their authorized agents and officers, to give his aid and influence in their favor, and that he was promised by the then ruling powers of the country, and was by them impressed with a full conviction, that whatever pecuniary losses he might sustain in their service should be reimbursed, and that the Government of France guarantied the indemity.

Your committee do not consider themselves authorized to allow the claim to the great extent in which it has been stated by Mr. Cazeau, as they are not sure that it would be proper to allow some of the items charged; but they have no hesitation in saying that, in their opinion, the claim ought to be allowed to at least the amount stated by Mr. Barber in July, 1785, under the sanction of Congress in 1784 and 1785, together with interest from that time. They therefore submit the following resolution:

Resolved, That the Committee of Claims be instructed to report a bill authorizing the payment of forty-two thousand seven hundred and thirty-seven dollars and ninety-seven cents to the legal representatives of Francis Cazeau, late merchant at Montreal, or to his assignee or attorney, or other person lawfully constituted and empowered to receive the same.

STATEMENT.

March, 1777.	8,000 minotos (bushels) of wheat		$8,000 00
May.	Three boats loaded with brandy, wine, and clothing		4,000 00
1778, '79 '80.	For advances to gain intelligence		276 64
			12,276 64
	Interest on $12,276 from 1777 to present time (say 40 years)		29,463 60
	Expenses and commission charged on wheat		2,633 30
	Expenses and commission on the boats loaded with wine, brandy, and clothing, &c.		1,404 43
			45,777 97
Feb., 1783.	Cash received on above account	$1,000 00	
	Interest on same to present time (say 34 years)	2,040 00	
			3,040 00
	Balance due representatives of Francis Cazeau		$42,737 97

Recapitulation of the whole claim of Francis Cazeau, as stated by himself in 1807, (November.)

Government of the United States of America to Francis Cazeau, (late merchant at Montreal,)

DR.

1st head. Supplies for the American Army and other expenses included in an account settled by William Barber, Commissioner appointed by Congress, according to his report thereof, 27th July, 1785,	$15,314 45
2d head. Effective disbursements during the seven years of the independence war, say from 1775 to 1782, inclusively, in my capacity of political and secret agent, acknowledged by the Governments of the United States and of France, and further disbursement in procuring the evasion of American and French prisoners	59,814 81
3d head. Losses sustained, either by confiscation of my property in Canada by the British Government, or by the plunder of my warehouses during my imprisonment, in consequence of the active part I had taken in the political affairs of the United States, after the express solicitations to that purpose which were made to me by the general officers and legal powers of the Government of the said United States, as also by the general officers commanding the French forces in America, and upon the faith of the solemn promises made to me at the same time, both in the name of Congress and in that of the King of France, of a full indemnity for any such consequences that might result from my so doing	352,977 59
4th head. Indemnity for the loss of my commercial establishment, and for the utter dissolution of my fortune, which resulted from the vengeance exerted upon me by the British Government, in consequences of the services which I had rendered against that Government to the Congress of the United States	296,296 30
5th head. My pay on the footing of a Colonel of the United States service during seven years of activity, with five years' retreat allowed to all the American officers after the end of the war, and the grant of lands made to each officer of that rank	11,600 00
6th head. Extraordinary expenses occasioned to me by twenty-four years' solicitation towards obtaining the settlement and payment of what is due me from the Government of the United States	8,888 89
7th head. Interest of sums advanced, and of others withheld from me by the Government of the United States of America; the said interest calculated up to the 31st December, 1807, at the rate of six per centum per annum, being the legal rate of interest	2,056,359 44
	$2,801,251 00

A COMMISSARIAT.

WASHINGTON *Dec.* 16, 1816.

SIR: In reply to your communications relative to the supply of rations to the Army, I have the honor to state—

1st. I have not a doubt but a well organized Commissariat would insure a safer, a cheaper, and in every respect a better supply than the present system of contract; nor have I heard of a doubt upon the subject, excepting only, as to the expense.

Upon this point it may be remarked, that most of the contractors have made very handsome profits, and many of them indeed great fortunes, under contracts apparently reasonable.

Contractors are in the habit of employing an agent for each post, and in some cases confiding to sub-contractors the supply of particular departments or posts.

It is not likely that a man of business, who is honest and discreet, would bid off the contract without a pretty certain prospect of profit.

Could the Government find no man to place at the head of the Commissariat, as well qualified to superintend the supply of rations, as one of the late contractors, or none equal in honesty, industry, and capacity, to the late agents of the rich contractors; in this case the contract system should be preferred.

If a contractor can make a clear profit, the public, by the Commissariat, may do so likewise, and, therefore, the latter will be the cheaper mode of supply.

The public would, in this case, save the exact amount which, under the contract system, would fall into the hand of contractors. But even, supposing the contract to be bid off at too low a rate, to enable the contractor to make any clear profit; supposing the contractor to be actuated alone, in the supply of rations to the troops, by the purest patriotism, without the prospect of making money, still the Commissariat would be preferable; because, a contractor, having no possible prospect of making money, would be constantly embarrassed with the apprehension of losing money—and in every purchase he would see before him the wretched alternative of selecting the cheapest, and consequently the worst provisions, or being involved in bankruptcy and ruin.

The choice of these evils can readily be imagined. It is a choice, as most officers who have had separate commands, can testify, that has imposed upon our troops the cheapest and coarsest provisions; and which have, on many occasions, been so much damaged as to sicken and kill hundreds of our men.

Upon this subject, I beg leave to call the attention of your honorable committee to the official reports and returns of the Army, stationed at French Mills, in the Autumn and Winter of 1813, to February 1814; by which it will be seen that out of about —— men —— were sick at once, and that from the 18th November to the 1st February, there were —— deaths; and I feel warranted by the reports of the medical staff, particularly those of Doctors Ross, Lovel, and Woodbury, as well as by my own observation, in saying, that for the most part the diseases and deaths at that place proceeded from the damaged provisions which the troops were compelled to eat, or to eat nothing.

The suffering of the troops, from a similar cause, at many other places, during the war, were not much less severe than at French Mills; insomuch, that I have not a doubt that we have lost more men by disease, contracted principally in the use of bad provisions, than we have lost by the fire of the enemy. Besides, the military system which comprehends individuals not subject to military law, and under positive control of the commanding officer of an army, is radically defective, and calculated to paralyze a military body. An army, immediately dependent upon any other, except the single military head, is a monster; and although its native prowess may often force it, with all its deformities to victory; yet, to make victory more sure, the immediate military head should command the whole strength and resources immediately connected with the army under him.

The supply of rations is vitally important to the very existence of an army; it is infinitely more so than the supply of clothing, of pay, or even of arms or ammunition.

An army could, by sudden changes of position, preserve itself for weeks or months without the latter, but the most patriotic band could not be kept together for more than a few days without rations. Should any officer of the Ordnance department attempt to palm upon the Army damaged powder or even damaged flints, surely no man could doubt the propriety of prompt military punishment for such an offence; and yet, under the present system, damaged rations have been forced upon the troops, and many of them thereby sickened and killed, without any remedy being provided against contractors, save only the miserable farce of an action upon the case.

It is true, under the contract system, damaged provisions may be refused and destroyed, and the General may order the Quartermaster, upon the failure of the contractor, to purchase the proper supplies.

These regulations look very well indeed upon paper. They seem to afford reasonable security against the evils which they were intended to obviate. But what are they in practice?

The General requires the contractor to furnish twenty days' complete rations for ten thousand men, at a given point upon the frontier. The contractor reports the supply deposited at the place and time appointed. The army arrives near the enemy; every officer and every man is necessarily occupied in preparing for action. In the mean time, it is found, in reviewing the provisions, that a great portion of them are damaged. The inspection takes place, and the provisions are condemned, and the army left destitute.

The General will probably be compelled either

to make a premature effort to bring on an action, be beaten, or make a disgraceful retreat, or he must endeavor to subsist his army upon damaged rations. The troops are dispirited, sickened, and many of them desert—and yet, the contractor is screened from military punishment. He abandons his contract whenever he finds it to be unproductive of gain. The Quartermaster is then compelled to leave his regular duties, and, without due time, or any previous arrangements, to avail himself of the best markets, and in a country where little can be got at any price, he is obliged to purchase such supplies as the country will at once afford, and is often compelled to give any price which a knowledge of the pressing calls of the service may induce the avaricious seller to demand.

2d. The organization of the Commissariat should be as follows:

The chief should have the rank, pay and emoluments of the Adjutant and Inspector General, and be stationed at the Seat of Government. Next to the chief there should be attached, to each division of the Army, a Commissary General, with the rank, pay, and emolument of the Adjutant General; also, an assistant for each department, with the rank, pay, and emolument of an Assistant Adjutant General, and for each post an issuing commissary, with the rank, pay, and emolument of a lieutenant.

Candidates for the appointments should be required to exhibit to the Department of War proper evidence of character and qualifications, and be appointed and commissioned in the same manner, and take the same oath, as officers of the line of the army, and enter into bond, with approved security, for the faithful performance of their duties.

The rank of these officers should in no case entitle them to command in the line, except when specially ordered thereto by the commanding General. Rank, however, should be given them, because without it they would often be subject to the embarrassing control of young inexperienced officers, and would fail to command, in the lower grades of the Army, that respect which rank is necessary to produce.

The chief of the Commissariat should have the control of the officers and other persons employed in the department. And, under the direction of the War Department, should superintend the purchase and supply of rations, &c.

It should be the duty of the Commissaries of divisions and departments to make all purchases of the component parts of rations, and forward the same to such place and in such quantities for issue as the general or officer commanding the departments may direct, respectively, and to make unexpected visits to the different posts, inspect the provisions, and regulate the issues, the accounts and abstracts.

The purchasing as well as the issuing Commissaries to be required to make monthly as well as quarterly statements of the amount of cash received and expended, the quantity of provisions purchased, and the quantity issued since last return, as well as the quantity and quality of the provisions on hand. These statements to be certified upon honor, and forwarded to the chief of the department, and a duplicate thereof sent to the general or public officer commanding. They will, moreover, be required to render quarterly accounts in such form as may be prescribed by the War Department.

In this way the state of the supplies and accounts of each officer of the Commissariat will be distinctly understood monthly, and quarterly, by the chief of the department; who, possessing the power to arrest or suspend any delinquent, would prevent or promptly detect every irregularity. But the most effectual check will be found in the general officers commanding divisions, departments, and principal posts, who, in addition to the power to arrest and try officers, should be authorized to receive from them all public moneys, and supply the place of such delinquent officers by temporary appointments until the casual vacancies should be filled.

It is the duty of the inspector, to inspect the troops and supplies of each post and corps, once in two months—in addition to this he may be instructed to inspect the provisions, particularly as to quality and quantity, and compare the same with the monthly report of the Commissariat, and in all cases of neglect or omission on the part of such Commissary, he will be punishable by the sentence of a general court martial.

It seems to be admitted by all that in time of war the Commissariat would be decidedly preferable to the contract system.

This I consider to be a conclusive argument in favor of the immediate adoption of the measure. If any branch of military knowledge is necessary for a state of war, its practical introduction in time of peace cannot but be proper, if it be practicable. The Commissariat particularly should be organized and put into operation in time of peace.

I have the honor to be, &c.,

EDMOND P. GAINES.

Hon. JOHN WILLIAMS,
Chairman of the Military Committee.

NAVAL DEPOT ON THE CHESAPEAKE.

Copy of Commodore John Rodgers's letter to the Secretary of the Navy, relative to a Naval Site and Rendezvous on the waters of Chesapeake Bay.

NAVY COMMISSIONERS' OFFICE,
December 23, 1816.

SIR: Having, in company with the other Commissioners of the Navy Board, examined those places designated in your letter of the 7th May last, for the purpose of reporting, through you, for the consideration of the President of the United States, the opinion of the Navy Commissioners as to the means most proper to be adopted for the defence of Chesapeake Bay in time of war; it is a source of unpleasant reflection, not

only to myself, but I am confident equally so to the other Commissioners, to find, on comparing our opinions, that we do not entirely agree as to the mode by which this truly important object might, most probably, be accomplished. I regret this the more from the persuasion, that it would have been more agreeable to you, and more satisfactory to the President, had we found all the data upon which we might have formed a correct estimate, of such positive character as to admit of no diversity of opinion. As, however, different opinions are entertained by the members of the board, we have judged it best that each member should make a separate report; trusting that from these conflicting opinions, and the facts and arguments adduced in support of each, the best means of obtaining the highly important object in view may be elicited.

I proceed, with respectful deference for the opinions of my brother Commissioners, to submit those views of this important question, which the most attentive consideration and anxious investigation of facts have produced in my mind.

From the distance between the nearest points of the Middle Ground and Horse-Shoe, the great depth of water between those places, and their exposed situation to the mountainous waves, rolling in from the Atlantic ocean, unobstructed, during the prevalence of south-easterly gales, I incline to the opinion that it would be extremely difficult, if not impracticable, to erect batteries, at any cost, however great, that would resist the tumult of the whole Atlantic ocean drawn as it were to a focus, by the peculiar formation of the coast at that point.

In another view, such an attempt might be hazardous; for it may be seriously questioned, whether the erection of batteries in that part of the channel of Chesapeake Bay which is the *most confined*, would not produce a new channel through that immense bank of sand, the Middle Ground, thereby changing the course of its waters, rendering the batteries wholly useless, and subjecting the navigation of the bay to destruction at its very confluence with the Atlantic ocean. A new channel, thus formed, would necessarily displace immense deposites of sand from the Middle Ground, and thereby, most probably, to the destruction of the navigation, complete the bar that nature has already more than two-thirds finished, across the entrance of the bay.

For these reasons, the erection of batteries between the Horse-Shoe and Middle Ground, appears to me, if not impracticable, at least unadvisable.

I will now examine the navigation from Cape Henry to Hampton Roads, and thence to Norfolk, for the purpose of demonstrating, by unquestionable facts, how far Norfolk unites the advantages essential to the purposes of a great naval rendezvous and depot of maritime stores.

As an outer harbor, Hampton Roads is easy of ingress and egress to ships of every class. At its entrance from the bay, by erecting a formidable battery at Old Point Comfort, and another at the distance of one mile, on the shoal of Willoughby's Point, it might be so far defended as to prevent a hostile fleet, however formidable, from attempting to enter it without having in view the accomplishment of some great object. On ordinary occasions, the risk which an enemy would then incur, from an attempt to enter Hampton Roads, would no doubt be sufficient to deter him; but an object worthy of the risk might present itself—and, in such case, an enemy availing himself of the most favorable wind and tide, might attempt it, and would probably succeed. Passing these batteries, as he might do under such circumstances, with a velocity equal to fourteen miles an hour, the effect of the batteries would be rendered very uncertain, and he would be in their reach only eight minutes seventeen seconds! Should he succeed in entering the road, he might anchor in various situations, from four to four and a half miles, in every direction from the shore. My own personal observation enables me to add, that during the prevalence of the north-easterly gales, particularly in the Winter season, Hampton Roads is subject to a very heavy sea, which may be ascribed to its great width at its entrance, and its exposure to the N. E.

As an inner harbor, Norfolk may be easily defended both by land and by sea; and there is in its vicinity an abundance of good timber. These are great advantages; but, from the difficulty of getting in or out of Elizabeth river, arising from the narrowness of the channel in many places, and the various courses necessary to be steered, (from W. N. W to E. N. E. points directly opposite) before you reach Cape Henry, added to a shoal at its confluence with the waters of Hampton Roads, on which there are only twenty feet eight inches at low water, and not more than twenty-four feet two inches at high water, during the prevalence of neap-tides—and at no time, excepting the Spring-tides, more than twenty-two feet at low, and twenty-five feet at high water, present to my mind insuperable objections to Norfolk as a navy-yard, particularly when it is recollected how imperfect and insecure Hampton Roads would be as an outer harbor.

I will now proceed to state the advantages and disadvantages peculiar to York river, considered as a place for a naval rendezvous and depot of naval stores—below Yorktown as an outer, and above it as an inner harbor.

The lower part of York river being, at its mouth, only one mile wide, and three quarters in breadth, from shore to shore, and the channel only about fifteen hundred yards from flat to flat, and affording, as it does, a safe navigation at all times, and in all seasons, for ships of the greatest draught of water, is, in my opinion, suitable for an outer harbor. With the aid of land batteries, an inferior may be defended against a superior force of ships. Like Hampton Roads, however, it is subject to a rough sea during the prevalence of easterly gales; but in this river that advantage is greatly diminished by the fact, that with any wind that would make this anchorage objectionable, or that would enable an enemy of superior force to approach you, (supposing this place not

to be fortified,) you can, with perfect security and ease, get under weigh and run into the inner harbor, above the batteries at Yorktown and Gloucester.

As an inner harbor and Naval Depot, York river, above Yorktown, does not combine every advantage desirable, not having any basin or deep bay in which ships could be sheltered from the draught of the river, and there not being an abundant supply of timber immediately in its vicinity.* It has, however, every other essential requisite, being completely susceptible of defence against a land or naval force, and affording at all times, and in all tides, an easy and safe navigation to ships of the greatest draught of water—there being, for at least ten miles above Yorktown, where the river is actually only nine hundred yards wide from shore to shore, nowhere less than six fathoms of water.

Another very prominent fact, in relation to the outer harbor of York, more than counterbalances the objections stated. From that harbor ships passing up and down the Chesapeake Bay, are exposed to full view; indeed, the moment a ship enters the bay, you can discover her. You would there have the advantage of watching the movements of an enemy from a safe harbor. If he comes with a force too formidable for you to resist him in that position, you can retire—the same wind that enables him to approach you, would enable you to retire to a place of safety. If circumstances would justify your attacking him, you might do so, with the advantage of having the earliest intelligence of his approach.

Hence, although York river does not possess every advantage that could be desired, as respects either its inner or outer harbor, it does, in my opinion, unite more of the essential requisites than nature has bestowed on almost any other place. From its particular situation (which the chart will show) when aided by a naval force, it is the only point deserving the name of the key to the Chesapeake Bay.

I proceed now to examine St. Mary's river.

This river is situated on the north side of the Potomac, about seven miles above Point Lookout, the next above Smith's Point, with which it forms the entrance into the Potomac. By some it is urged that this place, as repects salubrity of climate, is preferable to either Norfolk or York, As a safe and commodious harbor, it is, perhaps, not excelled by any in the United States. At its entrance it is about three miles wide, and the water is thirty-two to thirty-three feet deep; for three and a half to four miles up, its width gradually decreases, until you pass two projecting points at opposite sides, within which the depth at low water is about twenty-four feet—and the river from point to point about half a mile; from this to a place about two miles further up, the river is, by two other projecting points, diminished to about five hundred yards in width, presenting above those points a beautiful basin, in which there is, near the entrance inside, twenty or twenty-one feet at low water.

This river above, where it is perfectly susceptible of defence against a naval force, presents in several respects the most seducing reasons for its selection as a Naval Depot and rendezvous. But situated as it is, in a narrow peninsula, having the Patuxent on the one side, and the Potomac on the other, the protection of such an establishment would be attended with great expense. To protect it against a land force, it would be necessary to erect strong batteries, and the annual expense of maintaining an efficient garrison in them would be very great.

Such an establishment should not only be able to protect itself, but it should afford the means of protecting our own commerce in every part of the bay. This latter advantage, I am inclined to think, is not possessed in a superior degree by St. Mary's, owing to its great distance from the sea, (ninety-five to one hundred miles,) neither do I think that in the present infant state of our country it could effectually protect itself against a land force, since even above the line of defence, where the batteries would necessarily be situated, the peninsula is so narrow that a superior land force might so occupy it, as to cut off all communication in the rear, thereby endangering the safety of the adjacent country; while at the same time a superior naval force, from the safe anchorage afforded, might not only cut off all communication in front, by his large vessels, but his smaller vessels might destroy every merchant vessel of ours attempting to pass up to Washington or to Baltimore.

The facts stated being all that occur to me as essential in deciding that question of locating a Naval Depot and rendezvous, I now proceed respectfully to submit my views as to the best means of defending the Chesapeake Bay generally. I assume the preliminary position, which I presume will be readily accorded to me, that in the present infant state of our country, our preparations to meet a war should be conducted with a view to measures of defence, as well as offence.

Two small but strong martello towers, between the eastern extreme of Lynnhaven Bay and the mouth of Lynnhaven Creek, would prevent an enemy from anchoring between those two points; and his exclusion thence would, as you will perceive by the chart, deprive him of any other safe anchorage nearer the mouth of the bay than New Point Comfort.

A strong battery on Old Point Comfort would keep him out of Hampton Roads; and two martello towers at the mouth of York river, would prevent his anchoring in that situation, while, at the same time, they would serve to protect it, as an outer harbor and general rendezvous for our marine force assembled in the Chesapeake Bay in time of war.

York river, fortified at Yorktown, would afford security to that important tract of country through

* Although it would be an advantage if York river had a basin, or deep bay, to shelter ships from the draught of the river, yet its not having that advantage is not to be considered as constituting any serious objection to the river.

which it passes, and secure a Naval Depot higher up the river. The place where I consider it advisable to locate such an establishment is called the Clay Banks, and is about ten miles higher up than Yorktown.

While a battery at Old Point Comfort, and two martello towers at the mouth of York river, would keep an enemy from Hampton and York, they would, with the aid of a suitable naval force, prevent his attempting to take shelter in a situation so near as New Point Comfort. Hence, being shut out of Lynnhaven Bay by the two towers proposed in that quarter, he would be deprived of all the safe anchorage near the entrance of the bay.

The importance of depriving an enemy of anchorage in Lynnhaven Bay, is fully established by the fact, that it is a position more dangerous to our commerce than any that could be occupied by any enemy within the Chesapeake Bay; and if the importance of depriving him of all safe anchorage near the entrance of the bay, be, as it appears to me, too obvious to admit of a doubt, then the propriety of erecting towers and batteries at the other places suggested, must necessarily be conceded.

It will, I presume, be readily admitted, in devising the most efficient means for the protection of the Chesapeake Bay, that the mouth of the bay should claim the first attention, since if you can succeed in protecting that point effectually, you afford protection to all points above it. The measures which I have had the honor of suggesting, have had this great object in view.

Allow me, sir, to request your attentive examination of the chart submitted. A reference to that part of it which embraces York Spit, and what is termed the Head of the Middle Ground, will, I think, satisfy you of the great advantage which a respectable naval force, stationed at the mouth of York river, would possess; and that such a force, co-operating with the towers near Lynnhaven Bay, the battery on Old Point Comfort, and the towers of York river, proposed, would in all probability, protect the whole commerce of the Chesapeake Bay.

With respect to the Tangier Islands, I have considered it unnecessary to say anything; particularly as the report and chart made by Captain Spence, afford more information than any personal observation of my own would enable me to communicate.

I have the honor to be, with great respect, sir, your most obedient servant,

JOHN RODGERS.

Hon. B. W. Crowninshield,
Secretary of the Navy.

N. B. Some difference of opinion probably exists, as to the practicability of defending, against a land force, a navy yard situated on the Clay Banks. I cannot, however, persuade myself to entertain any doubt upon the subject, since the land is there as high, if not higher than any other within reach of cannon shot. There are moreover two large creeks, Aberdeen and Jones's, that discharge their waters into York river, on each side of the proposed site, about one mile distant from its centre, by which, without any extraordinary labor or expense, the whole establishment might be insulated; and the measure by which this desirable protective effect would be produced, would furnish an ample supply of water for all the purposes of labor-saving machinery.

For further particulars relatively to the advantages of this place, permit me to refer you to the following extracts of Captain Sinclair's report:

"The mouths of these two creeks are two miles apart, but before they flow half a mile there are two branches approaching each other, within a quarter of a mile, where, after the creeks are dammed below, a canal might be cut which would insulate the place, and add greatly to its security in the rear. Indeed, it appears to be very capable of being defended by a moderately small force. The channel does not exceed a quarter of a mile in width, and is overlooked by an eminence of 30 feet for a mile or two below. The country is said to be healthy; indeed, judging from its inhabitants, I should pronounce it so. The land is generally fine, and well timbered with white oak, yellow and pitch pine, and some cedar, though not in abundance."

JOHN RODGERS.

Copy of the communication made by Commodore Stephen Decatur, in relation to the defence of the Chesapeake Bay, and the selection of a site suitable for a Naval Depot.

Navy Commissioners' Office,
January 2, 1817.

Sir: In obedience to your call of the 16th ultimo, on the Navy Commissioners, requiring a report of the late examination and surveys made under their direction, in pursuance of your instructions of the 7th May, I enclose you a statement of such facts as I have been enabled to collect upon this important subject. From the diversity of opinion which we have found to exist between us upon this important subject, we have deemed it most satisfactory to give in separate reports. This diversity was, perhaps, to have been expected, in a case presenting so wide a range for observation; and I trust we shall not be considered as too tenacious of our individual opinions, when it is recollected that this question involves the safety of the Navy, and the protection of the extensive shores of the Chesapeake.

The first examination required by your order of the 7th, is to ascertain the most proper mode of defending the Chesapeake in time of war.

In giving my opinion upon this head, I beg leave to be understood as disclaiming all knowledge of the expense of constructing fortifications, for particular estimates of which I beg leave to refer you to Lieutenant Colonel Bomford, of the engineers, who accompanied us on the survey. The Chesapeake Bay can be defended from a superior hostile fleet only by fortifications sunk at some point of the channel, and the point nearest

the ocean susceptible of defence, is obviously the most proper. The channel of the bay at the Capes, navigable by ships of a large class, is four miles and three-quarters wide, depth of water generally from ten to fifteen fathoms. The sea, at this point, being uninterrupted by shoals in its roll from the Atlantic, would, in my opinion, render fortifications utterly impracticable. Ascending the bay from the Capes, the channel branches at the Horse-Shoe, one branch passing into Hampton Roads, the other leading up the bay itself. That branch of the channel which leads up to Hampton Roads, passes between two shoals; that on the south side, called Willoughby's, and distant from Old Point Comfort about two miles and a quarter, has eight feet water on it; the one on the north side is called the Thimbles, and is distant from Old Point about three miles, and has nine feet water on it; they are about a geographical mile distant from each other. The other branch of the channel (that which passes up the bay) has a width between the Horse-Shoe and the Middle Ground of four miles, and the depth of water for three-fourths of this distance does not exceed four fathoms and a a half, being nowhere more than eight fathoms.

The bottom, from a number of experiments, appears to be a solid and closely compacted sand, protected from the heavy sea of the Atlantic by the shoal of the Middle Ground, which stretches many miles to sea, and on which its violence is expended before it reaches this channel. If the Chesapeake be susceptible of defence at all, it is my opinion this is the only point at which it can be defended. The channel at every other place, above or below, being much wider, and of much greater depth, and that works, judiciously constructed, between the tail of the Horse-Shoe and the Middle Ground would be permanent, strong evidence is furnished by those extensive works which form the harbor of Cherbourg—works constructed on a sand, unprotected by shoals without, where the sea is as violent, the tide infinitely stronger, and its perpendicular rise upwards of forty feet.

You will perceive, sir, that, in considering the subject of defending the Chesapeake generally, I have included the defence of Hampton Roads, not *only* as an arm of the bay, nor on account of the objects of spoil, to which the banks of its rivers invite an enemy, but with reference to the other inquiry of a naval depot, to which I shall presently call your attention. In relation to the defence of Hampton Roads particularly—if the defence of this place were the exclusive object, there is another position for the purpose, which would probably be preferable, which is Old Point Comfort, and the opposite shoal, called the Rip Raps, which are less than one mile distant. I beg leave to refer you to the report made upon this subject by Colonel Bomford, merely noticing, "that I understand it was made out before it was discovered that the water on Willoughby's shoals and the Thimbles was so shallow, or that those shoals approached so nearly together as they do." I will now further add the authority of General Bernard's opinion, "that any distance, not exceeding one mile, may be so fortified as to be rendered impassable.

If, in addition to powerful works placed at the entrance into Hampton Roads, we add, that part of the naval force, already contemplated, which will probably be stationed within the Roads, the only inducement a hostile fleet could have to attempt passing heavy batteries, so moored as to aid in obstructing the enemy's passage, and sufficiently near to be sustained by the forts, in the event of their passing, I do not believe it will ever be attempted. Let us suppose Hampton Roads thus fortified, and our naval depot, as well as our fleet, drawn within those defences, what inducement would remain to an enemy to attempt a passage up the bay? The destruction of our fleet and our depot would be their first object; their second would be, to prevent our fleet from getting to sea: either of these objects would keep them necessarily in the vicinity of the Roads. The pillage of the shores of the Chesapeake and its waters would be the only remaining inducement for a cruise up the bay—an inducement too trifling to permit the belief that they would abandon for it the important objects that they would leave in the neighborhood of Hampton Roads; and more particularly when their passage up the bay is opposed by batteries stretched across the channel at the Horse-Shoe and Middle Ground, and with a fleet, too, in their rear, ready to act, in the event of their receiving such injury, as is more than probable they would receive, in passing such works. The non-existence of any object of sufficient importance to invite an enemy up the bay, under the arrangements already stated, would render it unnecessary to have works between the Horse-Shoe and the Middle Ground as numerous or as strong, by one half, as would be otherwise requisite. And it is my opinion, that the bay and Hampton Roads are susceptible of permanent and complete defence, by works erected at the points proposed, and the same works be made to serve for the defence of both; whereby the whole expense of fortifying the Naval Depot would be saved, as well as the expense of keeping up garrisons. What the expense of such works would be, I am incapable of saying; but I am satisfied that the cost to the nation of defending the shores of the Chesapeake, for one single war, would greatly surpass what would be requisite to erect a permanent defence of the bay; and when we connect this with the debasement of permitting the enemy to make a home of our waters, the consideration of any warrantable expenditure can scarcely be thought to oppose an obstacle to the establisment of any works which may be determined to be practicable.

I come now to the location of the Naval Depot; and, on this point, there are a few simple principles which seem decisive of the inquiry. A Naval Depot should possess a sufficiency of water; it should be contiguous to the ocean, otherwise the Navy could not render that prompt protection to the coast which comprises the greater

part of its utility; it should also be connected with the means of supplies of timber and naval stores, which no posture of war could cut off or interrupt: these are qualities of the first magnitude.

There are other advantages, not indeed so indispensable, but still of a very high character, and which would be extremely fortunate to find with the qualities of primary importance already mentioned; such for example, as a populous neighborhood, from which supplies of labor and provisions might be commodiously drawn, and which would be at hand to give support to the depot in the event of a sudden attack; another of these incidental advantages, is a large, safe, and well defended outer harbor, into which the ships, when built, could be drawn and manœuvred without the hazard of exposure to a superior enemy.

Hampton Roads, which I consider the outer harbor of Norfolk, is eighteen miles from Cape Henry. Ships can enter or proceed to sea from it, with the wind from any quarter. It furnishes excellent anchorage, and has sufficient room for a fleet to manœuvre in under sail—an advantage which no other harbor, that I know of, possesses. The distance from Hampton Roads to the navy yard at Gosport is twelve miles, and the shoalest water found in the river at ordinary high tides, is twenty-five feet. This depth is more than is sufficient for the seventy-fours we now have. You will find on the file in your office that the pilotage paid for the Independence, (seventy-four,) when she sailed for the Mediterranean, was twenty-four feet. The ships now building, although of great capacity, will not draw so much, by six inches. The present defences of Norfolk are, in my opinion, sufficient to protect it from any naval force that can be brought against it.

It will be recollected, that during the late war, the enemy considered it absolutely necessary to get possession of Craney island, before they could pass up to Norfolk with their shipping; in consequence of which, a combined attack by their boats, and a considerable land force, was made on Craney island. The attack was repelled by a few pieces of cannon placed upon the sand, since which time it has been regularly fortified. All the approaches to Norfolk and the navy yard by land are interrupted by water-courses, and lead through swamps. Both places, with the exception of about two hundred yards, are insulated by creeks, unfordable by reason of the deep mud. These creeks can be, and I believe have been, connected by military works; nor is there any higher ground than that on which they stand, within cannon-range of either place. It is the opinion of military men, who have commanded there, that they are particularly well situated for defence against an attack by land.

From Craney island up to the navy yard, (which I consider the timber harbor,) is six miles, in which space thirty sail-of-the-line may lay with perfect convenience; and it is at all times so smooth as not to interrupt the ordinary work or repairs that may be required. From Norfolk to Hampton Roads, large ships cannot sail when the wind is ahead, in consequence of the narrowness of the channel; but if warping anchors, with buoys, be laid down in the channel, (as is the case in all men-of-war harbors that are close,) ships can, with any wind, be warped into the Roads.

The harbors of Malta and Port Mahon, which are considered two of the best harbors in Europe, can only be left or entered, when the wind is adverse, by warping. The navy yard at Norfolk comprises within its walls a square of about twenty acres, one side of which lays upon the channel of the river, at which sixteen sail-of-the-line can be laid up in ordinary, if they are brought to the pier, end on, as is practised at the naval arsenal at Antwerp.

The navy yard, in its present state, furnishes as many conveniences for building or fitting out as any yard in the United States—two hundred thousand dollars at least having been already expended by the public in valuable improvements. The neighborhood furnishes abundance of oak and pine timber suitable for naval purposes, and also naval stores, a supply of which cannot be cut off by a blockading enemy. The advantage it possesses in consequence of its vicinity to a commercial city would be considerable, both as it regards the numerous mechanics and seamen that are to be obtained there, and the protection a large population would afford, in the event of a sudden attack. The climate of Norfolk is, I presume, similar to that of the shores of the Chesapeake generally on tide water.

I will now proceed to the examination of York river. From Cape Henry light-house to Gloucester town, which is the first point on York river that could be rendered sufficiently strong to prevent the passage of a hostile fleet, is thirty-two miles. Ships can enter or proceed to sea from it with all winds. The distance from Gloucester to the Clay Banks, the place contemplated for the Navy Yard, is seven miles, and the depth of water is sufficient for any ship at all times of tide. It can unquestionably be defended against any attack by water. It is at present entirely unprotected by any fortifications. From the best information I have been enabled to collect, I am induced to believe that there are several rivers putting in from the Bay navigable for light craft and boats, and approaching within eight or nine miles of the Clay Banks, where a debarkation of troops might be effected. Of the nature of the intervening grounds I am unacquainted. The site selected as the best in this river for a Naval Depot forms at present part of the bed of the river, and no vessel drawing ten feet water can approach the bank nearer than a quarter of a mile. As the bottom is mud, it is probable that it will be found necessary to drive piles for the foundation of the Navy Yard, and the whole yard must of course be composed of artificial or made ground. There is a creek on each side of its heading, about half a mile in the rear, where they approach within about four hundred yards: at this point it is proposed placing the defences against a land attack. About eight hundred or a thousand yards to the right of this

position and the contemplated depot there is an extensive range of heights that overlook and command them. In consequence of which, I am of opinion that this position cannot be defended from a land attack with a less force than would be competent to meet the assailants in the field. It is believed that a supply of oak timber may be obtained from the shores of York river; but pine, fit for naval purposes, and naval stores, must be drawn from a distance. A blockading force, in time of war, might prevent the transportation of them by water—the only means by which they could be obtained in any quantity. From the unusual straightness of York river, the mouth of which lies open to the bay, it is much more rough, with particular winds, than rivers of its width generally are.

With the wind blowing fresh up or down the river, I should apprehend that any repairs that would require working near the water would be interrupted. The inner harbor of this river, like that of Norfolk, cannot be left or entered when the wind is ahead, except by warping.

The next point embraced by your instructions is Tangier islands, lying about one hundred miles up the Chesapeake. From the survey and report of Captain Spence, the commissioners were of opinion that that place was totally unfit for a Naval Depot, and therefore did not proceed to examine it. For particular information respecting this place, I beg leave to refer to Captain Spence's survey and report.

As your instructions did not particularize St. Mary's, and not being apprized that my colleagues intended to examine that place, I was not present when they did so. It lies on the upper side of the Potomac river, near its mouth, and about an hundred and twenty miles up the Chesapeake Bay. I am unacquainted with the depth of water, the extent of the harbor, its susceptibility of defence against an attack by water, or the supply of naval stores or building materials in its vicinity.

From my want of local knowledge of this place, I can say nothing as to its particular advantages, and can only point out some prominent objections which present themselves. Its distance from the ocean I consider an insuperable objection to it as a Naval Depot and rendezvous, in consequence of the difficulty and detention our ships might meet with in going out or returning from sea. Another objection is, that the population for a considerable distance is so thin that it cannot afford sufficient succor in case of a sudden attack.

The river Patuxent lies a few miles higher up the bay than the Potomac, and approaches, where it is navigable for vessels of the largest class, within five miles of the rear of the harbor of St. Mary's. The harbor is everywhere surrounded on the land side by commanding heights, which are too numerous to be occupied and sustained, except by a large army; and, therefore, it would be necessary that a considerable land force should be kept there at all times, to insure its safety. Another very important objection is, that if the neighborhood does not afford sufficient supplies of timber, which I believe is the case, they might be cut off in time of war by a blockading force. This place, as well as the harbors of Norfolk and York, from the narrowness of its channel, can only be left or entered, when the wind is adverse, by warping. Its climate is very similar to the climate of those places. There is an objection common to both York and St. Mary's, as the places of Naval Deposite, which has not yet been mentioned, and that is, that they both lie within the defences proposed to be raised from the Horse-Shoe to the Middle Ground. If you present to an enemy the combined attractions of your depot and your fleet, those works for the defence of the bay must be more numerous and strong, and consequently much more expensive; and it is for this, among other reasons, that I think it so much preferable to place both these objects behind the defences proposed to be established at the mouth of Hampton Roads.

Having weighed all the advantages and disadvantages of the several positions, it is my decided opinion that the present navy yard at Norfolk, independent of the protection it would afford the Chesapeake, is, in all respects, incomparably the best place for a Naval Depot, if Hampton Roads be properly fortified; and in that case I should consider it the finest harbor I have ever seen. The only objection to it, in its present state, is the mud-bar at the mouth of the river, over which our largest ships cannot pass at low water; which is a sufficient objection in the present unprotected state of Hampton Roads, inasmuch as any of our larger ships, chased into the Roads by a superior naval force at dead low water, could not pass the bar at the mouth of the river, and would, of course, be exposed to attack. The expense of the requisite buildings for a Naval Depot, at either of the other places, together with the fortifications necessary for the protection of them by land and by water, would, in my opinion, be much greater than would be necessary to fortify Hampton Roads completely. Should either of the other places be fortified, they would require a much larger force to garrison them, and would render no material aid in the general defence of the Chesapeake. Permit me further to observe, sir, that it is the unanimous opinion of the Board that the waters of the Chesapeake should, at some point or other, be the place of a Naval Depot and rendezvous. The mildness of the climate enabling the workmen to continue their labor throughout almost the whole of the year, and the geographical situation of the place, seem to me to fit it eminently for this purpose. It is near the centre of our coast and of our commerce; and that portion of the Navy which would be stationed there, would possess thereby a facility in defending both by the rapid movements it would be enabled to make; and I have no hesitation in expressing the opinion that, by raising the fortifications which I have proposed, and placing the depot near the ocean, the Chesapeake, at present the most vulnerable point of the coast, would become one of the strongest. It would become itself a defence to our seaboard.

The subjoined sketch of the waters in the

vicinity of the Chesapeake, was furnished me, at a few hours' notice, by Mr. Adams, of the United States' Navy, who made the survey of the Chesapeake under the directions of the Board. The well known talents and precision of this gentleman, leave no doubt of the accuracy of his lines of bearing, distance, and soundings. You will perceive, sir, that I have drawn my facts relative to those points, from this document.

I have the honor to be, &c.

STEPHEN DECATUR.

Hon. B. W. Crowninshield.

Copy of the communication made by Commodore David Porter, Commissioner of the Navy, in relation to a Site for a Naval Depot, and the best means to the adopted for the defence of the Chesapeake Bay.

Navy Commissioners' Office,
December 27, 1816.

Sir: In compliance with the call made by you of the 16th ultimo, and for the reasons set forth in the communication made to you by the Board, of the 24th instant, I have now the honor to send, for your consideration, facts, and my own opinions, in relation to the points to which you have directed the attention of the Commissioners of the Navy, by your communication of the 7th May last.

I have the honor to be, with great respect, your obedient servant, D. PORTER.

Hampton Roads, it is believed, could be fortified to advantage by means of batteries placed on Old Point Comfort, and on the shoal of Willoughby's Point, in fifteen feet water, and the distance between batteries so placed need not be more than one mile and a quarter. But until a fair experiment has been made as to the expense of erecting them—the effect of the latter on the shoals and channels, and whether it could resist the violence of the waves to which it would necessarily be exposed—I should not deem it advisable to undertake to defend the Chesapeake by erecting a line of batteries across the mouth of the Bay, as, by so doing, the risk would be incurred of expending uselessly many millions of dollars, of choking up the channel on one side, and of changing the navigation to the other; by obstructing the waters, and thereby causing them to ebb and flow in larger quantities, and with greater rapidity, on the north side of the mouth of the Bay, clearing away a passage for the largest ships, by the removal of the light, and almost floating sand on that side of the Middle Ground, where a safe and convenient channel already exists for vessels drawing sixteen feet water. A failure in the completion, or the ultimate destruction of the blocks, or islands, which must be sunk in the channel, for the purpose of erecting such batteries, would create dangerous shoals.*

* Engineers say it would require nine batteries, mounting from one hundred to one hundred and fifty guns each, to defend the passage between Old Point Comfort and the Middle Ground.

and if perfect success should be obtained in the erection, it is quite problematical whether they would succeed at all times, and under all circumstances, in preventing the passage of a hostile fleet, or of securing to themselves the necessary supplies of provisions and water, when invaded by a powerful force. Therefore, for an uncertain object, I should consider it unadvisable to risk the destruction or injury of the present channel into the Chesapeake, and the opening of another that would require equal means to defend.

If Hampton Roads can be fortified, the Chesapeake Bay, in my opinion (which I submit with due deference) could be best protected by a moveable force, that can seek the protection of batteries placed there and at York river. The chart (not yet completed) of the survey made under the superintendence of the Commissioners, and the report of the surveying officer, will place you in possession of the distances, depths of water, and other facts that have produced this opinion, as well as of the information required by the examination of "Hampton Roads up to Norfolk." It, therefore, only remains for me to give my opinion as to the latter place for a Naval Depot. A want of sufficient depth of water, at all times, for the easy ingress and egress of the largest ships, I have always considered a strong objection to Norfolk as a great Naval Depot. The objection does not, however, exist to the extent I supposed. The minute examination which has lately been made, discovers more water over the flats, below Craney island, than was ever before found; but yet not of sufficient depth to float, at at all times, ships of the largest class, with their provisions, water, and guns on board. Added to which, the channel is narrow, difficult to be found, and never to be passed, by ships of war, with a head wind. Under these circumstances, I can see no cause for changing the opinion formerly entertained; and will now add, that if a higher perfection in our naval architecture, or the increased size of our ships, should render a greater draught of water necessary, and our ships are not to be put into a state for service until their arrival in Hampton Roads; if they are then to receive their guns, their provisions, and their stores, from the Naval Depot; if Hampton Roads, instead of affording protection to the whole Chesapeake, is to answer only the purpose of protecting our inoffensive ships, the main object of a Naval Depot at the mouth of the Chesapeake, will be defeated, and the objections to Norfolk proportionably increased.

How far the fortifications of Hampton Roads may justify ships' dropping down there in a defenceless state will depend on experiments yet to be made, and on the extent of those experiments. It is now doubted whether one of our largest ships, under the most favorable circumstances, could steer through the narrow and crooked drain, which forms the channel over the flats, without grounding. The means, however, of determining this point are fortunately at hand, and it would not be difficult to make the trial. York river opposes no obstacles to the passage of the largest

ships as high up as the Clay Banks, which appears to be the most suitable place on that stream for a navy yard. It offers advantages in streams of water for labor-saving purposes, and may be protected from maritime attack by batteries placed at York and Gloucester points, and near the channel on the Oyster Shoals above, (which are bare at low water,) as well as on the shoalest part of York Spit; and the passage of an enemy may be retarded by means of booms, and other obstructions. The climate is said to be subject to the same diseases as those which prevail at Norfolk, and it is said to be liable to attack from Severn river. It has, however, this advantage over Norfolk, (in addition to its depth of water,) that ships can go to sea with most winds with which they leave the place named as most suitable for a Naval Depot. Captain Sinclair's reports and survey of York river will afford you further information on this subject. The Tangier islands were surveyed by Captain R. T. Spence—to that survey and the report which accompanies it, I beg leave to refer you for all the information I possess respecting them.

Commodore Rodgers and myself, on our passage down the Potomac, in conformity with your instructions, touched in at St. Mary's which is situated near its mouth. In point of healthiness of situation, security from maritime attack, and (I am informed) from ice, excellence of harbor, and the easy ingress and egress to an inner harbor, at all times, to ships drawing not more than twenty-four feet and a half of water, the advantages it offers by means of streams of water for labor-saving purposes, and its convenience to forests of fine timber, St. Mary's is, in my opinion, superior to any other place of which I have a knowledge on the Chesapeake for a Naval Depot.

How far its distance from the sea, and the necessity for concentrating a land force for its protection from an enemy (which may attack it from the Patuxent) may weigh against these advantages, or whether it may be considered a disadvantage to have so concentrated, in a healthy situation, a force which may easily be transported for a protection of other important points, or, in fine, (taking into consideration its central position, and the speed with which vessels may get to sea with a favorable wind, through both channels of the Chesapeake,) whether such objections should be considered disadvantages, I beg leave to submit to the decisions of Government: they involve military question of which I am not a competent judge. I shall merely observe, firstly, that whatever objections may be made to the distance of St. Mary's from the ocean, when we measure the sinuosities of the channel, we shall find the objection nearly as strong to Norfolk. And when we take into estimation the time required to sail this distance, we shall find the comparison in favor of St. Mary's: and secondly, that whatever objection may be made to the assemblage of a military force for the protection of St. Mary's, still stronger objections might be made to their assemblage from the distant parts of Virginia, for the defence of Norfolk. And the same remark may apply to York. Norfolk has owed its protection to troops drawn from Richmond, which was thereby left exposed to attack. St. Mary's would be guarded by those from Baltimore and Washington, and placed in the most favorable situation to enable them to aid in their defence, as well as that of Richmond. The establishment of a Naval Depot at St. Mary's is not incompatible with the plan suggested for protecting the Chesapeake by means of a moveable force that shall seek the protection of batteries at Hampton Roads and York river. The protection of St. Mary's would depend greatly on that force, and the destruction of the Naval Depot, established there, would require a force (in addition to the one left to watch our fleet) proportioned to the protecting force stationed at St. Mary's; for it is not usual or prudent to leave an enemy unguarded in the rear, when he may be in a situation to avail himself of the advantages which a defeat might offer.

A superior enemy's fleet which could (by placing itself between the Naval Depot and St. Mary's, and our naval rendezvous at Hampton Roads) cut off all communication between them, could, by blockade, render both fleet and depot equally useless, were the latter at Norfolk. The command of our own waters, (the object for defending the mouth of the Chesapeake,) would secure to us an easy communication between our fleet and depot. And if this superiority is not to be obtained, our Naval Depot, placed wherever it may be, will not answer the end for which it was intended.

A Naval Depot at St. Mary's would afford a safe and commodious Winter retreat for our fleets, which experience has taught me cannot be found in Hampton Roads, and which I have reason to believe cannot be found in York river. It would, from its central and convenient situation, afford protection and convoy to the commerce of the whole bay, even were its mouth blockaded by an enemy's fleet; an advantage which could not be afforded by York or Norfolk. It would serve as a rendezvous for the light cruisers from Baltimore, where they could easily elude an enemy's blockading fleet, by availing themselves of the choice of channels; an advantage which York does not possess in so great a degree, and one of which Norfolk has been found to be entirely destitute. The blockade of the mouth of the Chesapeake would constitute the blockade of Hampton Roads; consequently the supplies of the Naval Depot, placed there, would be limited to those received by the canals, and by the waters discharging themselves into Hampton Roads; while the whole resources of the Chesapeake, and its tributary streams, as well as those which may be afforded by the projected canals connecting its waters with the Delaware, will be open to St. Mary's.

A military force stationed at St. Mary's can aid in the defence of every part of the bay exposed to attack, while such aid has never been found in the force stationed at Norfolk, nor is it believed it would in any stationed at York. And, finally,

if the experiment of fortifying Hampton Roads should not succeed, a naval force that can issue from St. Mary's would not be less formidable, nor afford less protection to the Chesapeake, than one stationed there or at York.

In closing these remarks allow me to observe that I should regret extremely that any difference of opinion existed as to the most suitable point for establishing a Naval Depot, were I not persuaded that this indifference will be the means of placing you in possession of the best information as to the merits and defects of the places under examination. And I am happy to have in my power to say, that there appears to be but one opinion among the Commissioners as to the necessity of such an establishment somewhere on the waters of the Chesapeake. Reasons of a political nature which may weigh for or against the particular spot to be selected for a Naval Depot, I leave to politicians; unbiassed by local interests or local prejudices, I have given my opinion solely in regard to the utility of such an establishment. I give them with deference; but with a perfect conviction, in my own mind, of the correctness of the position, that the defence of the Chesapeake, and the utility of a Naval Depot on its waters, will depend more on the conveniences and resources it can furnish, than the position of the depot. A Naval Depot is the source whence all the members receive their supplies and vigor to defend, not a particular spot or place, but the whole body corporate—not for the advantage of any particular section, but for that of the whole Union.

D. PORTER.

PUBLIC ACTS OF CONGRESS;

PASSED AT THE SECOND SESSION OF THE FOURTEENTH CONGRESS, BEGUN AND HELD AT THE CITY OF WASHINGTON, MONDAY, DECEMBER 2, 1816.

An Act supplementary to an act to regulate the duties on imports and tonnage.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the tonnage duties to be paid by ships or vessels which shall be entered in the United States, excepting only such foreign ships or vessels as shall be entered from any foreign port or place to or with which vessels of the United States are not ordinarily permitted to go and trade, shall be the same as are provided by the act, entitled "An act imposing duties on the tonnage of ships or vessels," passed on the twentieth day of July, in the year of our Lord one thousand seven hundred and ninety: *Provided always*, That nothing in this act contained shall be deemed in anywise to impair any rights and privileges which have been or may be acquired by any foreign nation under the laws and treaties of the United States relative to the duty on tonnage of vessels.

Sec. 2. *And be it further enacted*, That on all foreign ships or vessels, which shall be entered in the United States before the thirtieth day of June next, from any foreign port or place, to and with which vessels of the United States are not ordinarily permitted to go and trade, there shall be paid a duty at the rate of two dollars per ton. And the duties provided by this act shall be levied and collected in the same manner and under the same regulations as are prescribed by law in relation to the duties upon tonnage now in force.

JOHN GAILLARD,
President of the Senate, pro tempore.
HENRY CLAY,
Speaker of the House of Representatives.

Approved, January 14, 1817.
JAMES MADISON,

An Act to authorize a new edition of the collection of laws respecting the public lands.

Be it enacted, &c., That the President of the United States be, and hereby is, authorized to cause the collection of laws, resolutions, and treaties, printed under authority of an act, entitled "An act providing for the printing and distributing of such laws of the United States as respect the public lands," passed on the twenty-seventh day of April, one thousand eight hundred and ten, to be revised, and the acts passed, and treaties formed, subsequent to the publication of the said collection, and relating to the public lands, to be embraced therein; the acts to be digested and arranged in their proper order, and fifteen hundred copies thereof to be printed and preserved for the future disposition of Congress.

Approved, January 20, 1817.

An Act making a partial appropriation for the subsistence of the Army during the year one thousand eight hundred and seventeen.

Be it enacted, &c., That, towards the subsistence of the Army for the year one thousand eight hundred and seventeen, there be appropriated the sum of four hundred thousand dollars, to be paid out of any money in the Treasury not otherwise appropriated.

Approved, January 22, 1817.

An Act to repeal, after the close of the present session of Congress, the act, entitled "An act to change the mode of compensation to the members of the Senate and House of Representatives and the delegates from Territories," passed the nineteenth of March, one thousand eight hundred and sixteen.

Be it enacted, &c., That, from and after the close of the present session of Congress, the act, entitled "An act to change the mode of compensation to the members of the Senate and House of Representatives and the delegates from Territories," passed the nineteenth of March, one thousand eight hundred and sixteen, shall be, and the same is hereby, repealed: *Provided always*, That nothing herein contained shall be construed to revive any act or acts or parts of acts repealed or suspended by the act hereby repealed.

Approved, February 6, 1817.

An Act to extend the provisions of the act to authorize certain officers and other persons to administer oaths, approved May the third, one thousand seven hundred and ninety-eight.

Be it enacted, &c., That the chairman of any standing committee, either of the House of Representatives or of the Senate of the United States, shall be empowered to administer oaths or affirmations to witnesses in any case under their examination; and any person who shall be guilty of perjury before such committee shall be liable to the pains, penalties, and disabilities, prescribed for the punishment of the crime of wilful and corrupt perjury.

Approved, February 8, 1817.

An Act to amend an act, entitled "An act authorizing the payment of a sum of money to Joseph Stewart and others."

Be it enacted, &c., That the money authorized to be paid to Joseph Stewart and his associates, of Dorchester county, in the State of Maryland, or to their legal representatives, by an act of Congress approved on the twenty-ninth day of April, one thousand eight hundred and sixteen, shall be paid to the following persons, their legal representatives or agents, viz: The said Joseph Stewart, Moses Navy, John Bell, Moses Geoghegan, Mathias Travers, Samuel Travers, Henry K. Travers, Hicks North, Thomas Tolly, Joseph Cator, John Willoby, James Hooper, Hugh Roberts, John Tolly, Moses Simmons, Robert Travers, John Simmons, Edward Simmons, William Powers, William Geoghegan, (of James,) William Geoghegan, (of Moses,) Jeremiah Spicer, Travers Spicer, Jeremiah Travers, William Dove, Thomas Woolen, Samuel Edmondson, Henry Corder, Roger Tregal, Thomas Arnold, Samuel Creighton, Jeremiah Creighton, Benjamin Keene, Thomas Lecompte, James Lecompte, Fountain Lecompte, Elijah Tall, Charles Woodland, William Barnes, William M. Robinson, Joseph Saunders, and Daniel Wilson.

Sec. 2. *And be it further enacted*, That the money authorized to be paid to Samuel Jennison, of St. Mary's county, in the State of Maryland, or to his legal representatives, by the third section of the above recited act, shall be paid to Samuel Tennison, his legal representative or agent, of St. Mary's county, in the State of Maryland.

Approved, February 8, 1817.

An Act to repeal the second section of an act, entitled "An act concerning the pay of officers, seamen, and marines, in the Navy of the United States."

Be it enacted, &c., That the second section of an act, entitled "An act concerning the pay of the officers, seamen, and marines, in the Navy of the United States," passed the eighteenth of April, in the year one thousand eight hundred and fourteen, be, and the same is hereby, repealed.

Approved, February 22, 1817.

An Act in addition to "An act for the relief of George T. Ross, and Daniel T. Patterson, and the officers and men lately under their command."

Be it enacted, &c., That, for the purpose of carrying into effect the act, entitled "An act for the relief of George T. Ross and Daniel T. Patterson, and the officers and men lately under their command," the Secretaries of War and Navy are hereby authorized and required, by and with the approbation of the President of the United States, to draw, by their warrant or warrants, from the Treasury of the United States, out of any moneys therein, not otherwise appropriated, the sum appropriated by the said act, and to appoint an agent or agents to disburse the same, according to the true intent and meaning of the act aforesaid.

Approved, February 22, 1817.

An Act providing for the division of certain quarter-sections, in future sales of the public lands.

Be it enacted, &c., That, from and after the first day of September next, the sections designated by number two, five, twenty, twenty-three, thirty, and thirty-three, in each and every township of the public lands, the sale of which is now, or hereafter may be, authorized by law, shall be offered for sale either in quarter sections, or half quarter sections, at the option of the purchaser; and in every case of the division of a quarter section, the portion shall be made by a line running due north and south, and in every other respect the said sections shall be offered, whether at public or private sale, on the same terms and conditions as have been, or may be, by law, provided for the sale of the other public lands of the United States.

Approved, February 22, 1817.

An Act authorizing the sale of certain grounds belonging to the United States in the City of Washington.

Be it enacted, &c., That the Commissioner for the superintendence of the Public Buildings in the City of Washington be, and he hereby is, authorized to lay off into building lots all that part of the public reservation of ground in the said city, numbered ten, lying on the north side of the Pennsylvania avenue, between Third and Four-and-an-half streets west, embraced by the whole of the front of said reservation on said avenue, and extending back, or northwardly, not exceeding two hundred feet; and, under the direction of the President of the United States, to sell any number of such lots, not exceeding one-half of the whole number, and the avails thereof to pay into the Treasury of the United States; and in such sales the Commissioner is hereby directed to reserve to the United States every other lot, except in particular cases it may be expedient to sell two or more contiguous lots; but all sales made in virtue of this act shall be under and upon the express condition, that the purchaser shall build and finish, or cause to be built and finished, within three years from the day of sale, a good and substantial brick or stone house, of not less than three stories high, exclusive of the basement story, nor less than twenty-five feet front; and in failure of a compliance with the said conditions, or any of them, the lots so sold shall revert to the United States, and the party failing shall incur a forfeiture of any and all moneys which may have been paid for the same.

Sec. 2. *And be it further enacted*, That the moneys arising from the sales aforesaid be, and they hereby are, appropriated to the payment of any moneys which may hereafter be expended for the public buildings and public improvements in the City of Washington.

Approved, February 24, 1817.

An Act granting a pension to Commodore Richard Taylor.

Be it enacted, &c., That, from and after the third day of September, one thousand eight hun-

dred and sixteen, a pension of three hundred dollars per annum be allowed to Commodore Richard Taylor, in consequence of a total disability arising from a wound received in a conflict with the enemy in the Revolutionary war, while in the command of a flotilla in the waters of the Chesapeake, under a commission of captain in the navy from the State of Virginia; to be paid to him, the said Taylor, half yearly, out of any moneys in the Treasury not otherwise appropriated by law.

Approved, March 1, 1817.

An Act authorizing vessels departing from the town of Bayou St. John and Basin of the Canal de Carondelet, for foreign ports, to clear out at the custom-house in the city of New Orleans.

Be it enacted, &c., That all ships or vessels, about to depart for foreign ports or places, from the town of Bayou St. John, or Basin of the Canal de Carondelet, shall be permitted to clear out, with their cargoes, at the custom-house, in the city of New Orleans, and depart, under the same rules, regulations, and restrictions, and in every respect in the same manner, as vessels clearing out and departing, for foreign ports, from the said city of New Orleans, by way of the Mississippi river.

Approved, March 1, 1817.

An Act making reservation of certain public lands to supply timber for Naval purposes.

Be it enacted, &c., That the Secretary of the Navy be authorized, and it shall be his duty, under the direction of the President of the United States, to cause such vacant and unappropriated lands of the United States as produce the live oak and red cedar timbers to be explored, and selection to be made of such tracts or portions thereof, where the principal growth is of either of the said timbers, as in his judgment may be necessary to furnish for the Navy a sufficient supply of the said timbers. The said Secretary shall have power to employ such agent or agents and surveyor as he may deem necessary for the aforesaid purpose, who shall report to him the tracts by them selected, with the boundaries ascertained and accurately designated by actual survey or water courses, which report shall be laid before the President, which he may approve or reject, in whole or in part; and the tracts of lands thus selected with the approbation of the President shall be reserved, unless otherwise directed by law, from any future sale of the public lands, and be appropriated to the sole purpose of supplying timber for the Navy of the United States: *Provided*, That nothing in this section contained shall be construed to prejudice the rights of any person or persons claiming lands which may be reserved as aforesaid.

Sec. 2. *And be it further enacted*, That if any person or persons shall cut any timber on the lands reserved as aforesaid, or shall remove or be employed in removing timber from the same, unless duly authorized so to do, by order of a competent officer, and for the use of the Navy of the United States; or if any person or persons shall cut any live oak or red cedar timber on, or remove or be employed in removing from any other public lands of the United States, with intent to dispose of the same for transportation to any port or place within the United States, or for exportation to any foreign country, such person or persons so offending and being thereof duly convicted before any court having competent jurisdiction, shall pay a fine not exceeding five hundred dollars and be imprisoned not exceeding six months.

Sec. 3. *And be it further enacted*, That if the master, owner, or consignee, of any ship or vessell, shall knowingly take on board any timber cut on lands reserved as aforesaid, without proper authority and for the use of the Navy, or shall take on board any live oak or red cedar timber, cut on any other lands of the United States, with intent to transport the same to any port or place within the United States, or to export the same to any foreign country, the ship or vessel on board of which the same shall be seized, shall, with her tackle, apparel, and furniture, be wholly forfeited.

Sec. 4. *And be it further enacted*, That if any timber as aforesaid shall, contrary to the prohibitions of this act, be exported to any foreign country, the ship or vessel in which the same shall have been exported shall be liable to forfeiture, and the captain or master of such ship or vessel shall forfeit and pay a sum not exceeding one thousand dollars.

Sec. 5. *And be it further enacted*, That all penalties and forfeitures incurred for taking on board, transporting, or exporting timber by force of this act, shall be sued for, recovered, and distributed, and accounted for in the manner prescribed by the act, entitled "An act to regulate the collection of duties on imports and tonnage," and shall be mitigated or remitted in the manner prescribed by the act, entitled "An act to provide for mitigating or remitting the forfeitures, penalties, and disabilities, accruing in certain cases therein mentioned."

Approved, March 1, 1817.

An Act to enable the people of the western part of the Mississippi Territory to form a constitution and State government, and for the admission of such State into the Union, on an equal footing with the original States.

Be it enacted, &c., That the inhabitants of the western part of the Mississippi Territory be, and they hereby are, authorized to form for themselves a constitution and State government, and to assume such name as they shall deem proper; and the said State, when formed, shall be admitted into the Union upon the same footing with the original States, in all respects whatever.

Sec. 2. *And be it further enacted*, That the said State shall consist of all the territory included within the following boundaries, to wit: Beginning on the river Mississippi at the point where the southern boundary line of the State of

Tennessee strikes the same, thence east along the said boundary line to the Tennessee river, thence up the same to the mouth of Bear creek, thence by a direct line to the northwest corner of the county of Washington, thence due south to the Gulf of Mexico, thence westwardly, including all the islands within six leagues of the shore, to the most eastern junction of Pearl river with Lake Borgne, thence up said river to the thirty-first degree of north latitude, thence west along the said degree of latitude to the Mississippi river, thence up the same to the beginning,

SEC. 3. *And be it further enacted*, That all free white male citizens of the United States, who shall have arrived at the age of twenty-one years, and resided within the said Territory at least one year previous to the time of holding the election, and shall have paid a county or territorial tax, and all persons having in other respects the legal qualifications to vote for representatives in the General Assembly of the Territory, be, and they are hereby, authorized to choose representatives to form a convention, who shall be apportioned among the several counties within the said Territories, as follows, to wit: from the county of Warren, two representatives; from the county of Claiborne, four representatives; from the county of Jefferson, four representatives; from the county of Adams, eight representatives; from the county of Franklin, two representatives; from the county of Wilkinson, six representatives; from the county of Amite, six representatives; from the county of Pike, four representatives; from the county of Lawrence, two representatives; from the county of Marion, two representatives; from the county of Hancock, two representatives; from the county of Wayne, two representatives; from the county of Greene, two representatives; from the county of Jackson, two representatives: and the election of the representatives shall be holden on the first Monday and Tuesday in June next, throughout the several counties abovementioned, and shall be conducted in the same manner as is prescribed by the laws of said Territory, regulating elections therein for members of the House of Representatives.

SEC. 4. *And be it further enacted*, That the members of the convention, thus duly elected, be, and they hereby are, authorized to meet at the town of Washington, on the first Monday of July next; which convention, when met, shall first determine, by a majority of the whole number elected, whether it be or be not expedient, at that time, to form a constitution and State government for the people within the said Territory; and if it be determined to be expedient, the convention shall be, and hereby are, authorized to form a constitution and State government: *Provided*, That the same, when formed, shall be republican, and not repugnant to the principles of the ordinance of the 13th of July, one thousand seven hundred and eighty-seven, between the people and States of the territory northwest of the river Ohio, so far as the same has been extended to the said territory by the articles of agreement between the United States and the State of Georgia, or of the Constitution of the United States: *And provided also*, That the said convention shall provide, by an ordinance irrevocable without the consent of the United States, that the people inhabiting the said Territory do agree and declare that they forever disclaim all right or title to the waste or unappropriated lands lying within the said Territory, and that the same shall be and remain at the sole and entire disposition of the United States; and moreover, that each and every tract of land sold by Congress, shall be and remain exempt from any tax laid by the order, or under the authority, of the State, whether for State, county, township, parish, or any other purpose whatever, for the term of five years, from and after the respective days of the sales thereof, and that the lands belonging to citizens of the United States, residing without the said State, shall never be taxed higher than the lands belonging to persons residing therein; and that no taxes shall be imposed on lands the property of the United States, and that the river Mississippi, and the navigable rivers and waters leading into the same, or into the Gulf of Mexico, shall be common highways, and forever free, as well to the inhabitants of the said State, as to other citizens of the United States, without any tax, duty, impost, or toll, therefor, imposed by the said State.

SEC. 5. *And be it further enacted*, That five per cent. of the net proceeds of the lands lying within the said Territory, and which shall be sold by Congress from and after the first day of December next, after deducting all expenses incident to the same, shall be reserved for making public roads and canals; of which, three-fifths shall be applied to those objects within the said State, under the direction of the Legislature thereof, and two-fifths to the making of a road or roads leading to the said State, under the direction of Congress: *Provided*, That the application of such proceeds shall not be made until after payment is completed of the one million two hundred and fifty thousand dollars due to the State of Georgia, in consideration of the cession to the United States, nor until the payment of all the stock which has been or shall be created by the act, entitled "An act providing for the indemnification of certain claimants of public lands in the Mississippi Territory," shall be completed: *And provided also*, That the said five per cent. shall not be calculated on any part of such proceeds as shall be applied to the payment of the one million two hundred and fifty thousand dollars due to the State of Georgia, in consideration of the cession to the United States, or in payment of the stock which has or shall be created by the act, entitled "An act providing for the indemnification of certain claimants of public lands in the Mississippi Territory."

SEC. 6. *And be it further enacted*, That, until the next general census shall be taken, the said State shall be entitled to one representative in the House of Representatives of the United States.

Approved, March 1, 1817.

An Act supplementary to an act, entitled "An act concerning the Naval Establishment."

Be it enacted, &c., That every purser now in service, or who may hereafter be appointed, shall, instead of the bond required by the act to which this is a supplement, enter into bond with two or more sufficient sureties, in the penalty of twenty-five thousand dollars, conditioned for the faithful discharge of all his duties as purser in the Navy of the United States, which sureties shall be approved by the judge or attorney of the United States for the district in which such purser shall reside.

Sec. 2. *And be it further enacted*, That, from and after the first day of May next, no person shall act in the character of purser, who shall not enter into bond as aforesaid, excepting pursers on distant service, who shall not remain in service longer than two months after their return to the United States, unless they shall comply with the provisions of the first section of ths act.

Approved, March 1, 1817.

An Act freeing from postage all letters and packets to and from James Madison.

Be it enacted, &c., That all letters and packets to and from James Madison, now President of the United States, after the expiration of his term of office, and during his life, shall be carried by the mail free of postage.

Approved, March 1, 1817.

An Act relating to the ransom of American captives of the late war.

Be it enacted, &c., That the proper accounting officer of the War Department be, and he is hereby, authorized and directed to settle the accounts of any person who may have redeemed and purchased from captivity any citizen of the United States, taken prisoner during the late war with Great Britain, upon the same principles and rules of evidence by which other claims are adjusted in said Department: *Provided*, That in no case shall a greater sum be allowed than one hundred and fifty dollars.

Approved, March 1, 1817.

An Act in addition to an act, entitled "An act for the more convenient taking of affidavits and bail in civil causes, depending in the courts of the United States."

Be it enacted, &c., That the commissioners who now are, or hereafter may be, appointed by virtue of the act, entitled "An act for the more convenient taking of affidavits and bail in civil causes, depending in the courts of the United States," are hereby authorized to take affidavits and bail in civil causes, to be used in the several district courts of the United States, and shall and may exercise all the powers that a justice or judge of any of the courts of the United States may exercise by virtue of the thirtieth section of the act, entitled "An act to establish the judicial courts of the United States."

Approved, March 1, 1817.

An Act concerning the Navigation of the United States.

Be it enacted, &c., That, after the thirtieth day of September next, no goods, wares, or merchandise, shall be imported into the United States from any foreign port or place, except in vessels of the United States, or in such foreign vessels as truly and wholly belong to the citizens or subjects of that country of which the goods are the growth, production, or manufacture; or from which such goods, wares, or merchandise, can only be, or most usually are, first shipped for transportation: *Provided, nevertheless*, That this regulation shall not extend to the vessels of any foreign nation which has not adopted, and which shall not adopt, a similar regulation.

Sec. 2. *And be it further enacted*, That all goods, wares, or merchandise, imported into the United States, contrary to the true intent and meaning of this act, and the ship or vessel wherein the same shall be imported, together with her cargo, tackle, apparel, and furniture, shall be forfeited to the United States; and such goods, wares, or merchandise, ship, or vessel, and cargo, shall be liable to be seized, prosecuted, and condemned, in like manner, and under the same regulations, restrictions, and provisions, as have been heretofore established for the recovery, collection, distribution, and remission, of forfeitures to the United States by the several revenue laws.

Sec. 3. *And be it further enacted*, That, after the thirtieth day of September next, the bounties and allowances now granted by law to the owners of boats or vessels engaged in the fisheries, shall be paid only on boats or vessels, the officers and at least three-fourths of the crews of which shall be proved, to the satisfaction of the collector of the district where such boat or vessel shall belong, to be citizens of the United States, or persons not the subjects of any foreign Prince or State.

Sec. 4. *And be it further enacted*, That no goods, wares, or merchandise, shall be imported, under penalty of forfeiture thereof, from one port of the United States to another port of the United States, in a vessel belonging wholly or in part to a subject of any foreign Power; but this clause shall not be construed to prohibit the sailing of any foreign vessel from one to another port of the United States, provided no goods, wares, or merchandise, other than those imported in such vessel from some foreign port, and which shall not have been unladen, shall be carried from one port or place to another in the United States.

Sec. 5. *And be it further enacted*, That, after the thirtieth day of September next, there shall be paid a duty of fifty cents per ton upon every ship or vessel of the United States which shall be entered in a district in one State from a district in another State, except it be an adjoining State on the seacoast, or on a navigable river or lake, and except, also, it be a coasting vessel going from Long Island, in the State of New York, to the State of Rhode Island, or from the State of Rhode Island to the said Long Island, having on

board goods, wares, and merchandise, taken in one State, to be delivered in another State: *Provided*, That it shall not be paid on any ship or vessel having a license to trade between the different districts of the United States, or to carry on the bank or whale fisheries, more than once a year: *And provided, also*, That, if the owner of any such vessel, or his agent, shall prove, to the satisfaction of the collector, that three-fourths at least of the crew thereof are American citizens, or persons not the subjects of any foreign Prince or State, the duty to be paid in such case shall be only at the rate of six cents per ton; but nothing in this section shall be construed to repeal or affect any exemption from tonnage duty given by the eighth section of the act, entitled "An act to provide for the establishment of certain districts," and therein to amend an act, entitled "An act to regulate the collection of duties on imports and tonnage, and for other purposes."

SEC. 6. *And be it further enacted*, That, after the thirtieth day of September next, there shall be paid upon every ship or vessel of the United States, which shall be entered in the United States, from any foreign port or place, unless the officers and at least two-thirds of the crew thereof shall be proved citizens of the United States, or persons not the subjects of any foreign Prince or State, to the satisfaction of the collector, fifty cents per ton: *And provided, also*, That this section shall not extend to ships or vessels of the United States which are now on foreign voyages, or which may depart from the United States prior to the first day of May next, until after their return to some port of the United States.

SEC. 7. *And be it further enacted*, That the several bounties and remissions, or abatements of duty, allowed by this act, in the case of vessels having a certain proportion of seamen who are American citizens, or persons not the subjects of any foreign Power, shall be allowed only in the case of vessels having such proportion of American seamen during their whole voyage, unless in case of sickness, death, or desertion, or where the whole or part of the crew shall have been taken prisoners in the voyage.

Approved, March 1, 1817.

An Act making appropriations for the support of Government for the year one thousand eight hundred and seventeen.

Be it enacted, &c., That the following sums be, and they are hereby, respectively appropriated, that is to say:

For compensation granted by law to the members of the Senate and House of Representatives, their officers and attendants, four hundred and twenty-one thousand eight hundred and fifty dollars.

For the expenses of firewood, stationery, printing, and all other contingent expenses of the two Houses of Congress, forty-two thousand dollars.

For the expenses of the Library of Congress, including the Librarian's allowance, for the year one thousand eight hundred and seventeen, one thousand three hundred and fifty dollars.

For compensation to the President of the United States, twenty-five thousand dollars.

For compensation to the Vice President of the United States, five thousand dollars.

For compensation to the Secretary of State, five thousand dollars.

For compensation to the clerks employed in the Department of State, thirteen thousand seven hundred and fifty dollars.

For compensation to the messenger in said Department, and for the Patent Office, six hundred and sixty dollars.

For the incidental and contingent expenses of the said Department, including the expense of printing and distributing copies of the laws of the second session of the fourteenth Congress, and printing the laws in newspapers, twenty-three thousand seven hundred and two dollars.

For compensation to the Secretary of the Treasury, five thousand dollars.

For compensation to the clerks employed in the office of the Secretary of the Treasury, ten thousand four hundred and thirty-three dollars.

For compensation to the messenger and assistant messenger in the office of the Secretary of the Treasury, seven hundred and ten dollars.

For expense of translating foreign languages, allowed to the person employed in transmitting passports and sea letters, and for stationery and printing in the office of the Secretary of the Treasury, one thousand one hundred dollars.

For compensation to the Comptroller of the Treasury, three thousand five hundred dollars.

For compensation to the clerks employed in the office of the said Comptroller, fifteen thousand five hundred and sixteen dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For expense of stationery, printing, and contingent expenses in the Comptroller's office, eight hundred dollars.

For compensation to the Auditor of the Treasury, three thousand dollars.

For compensation to the clerks employed in the Auditor's office, sixteen thousand six hundred and thirty-two dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For expense of stationery, printing, and contingent expenses in said office, six hundred dollars.

For compensation to the Treasurer of the United States, three thousand dollars.

For compensation to the clerks employed in the office of the Treasurer, five thousand four hundred and forty dollars.

For compensation to the messenger of said office, four hundred and ten dollars.

For expense of stationery, printing, and contingent expenses in said office, eight hundred dollars.

For compensation to the Commissioner of the General Land Office, three thousand dollars.

For compensation to the clerks employed in

the office of the said Commissioner, eleven thousand nine hundred and fifty dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For expense of stationery, printing, and contingent expenses of said office, including vellum for land patents, five thousand dollars.

For compensation to the Commissioners of the Revenue, three thousand dollars.

For compensation to the clerks employed in the office of the said Commissioner, nine thousand dollars.

For compensation to the messenger of said office, four hundred and ten dollars.

For stationery, printing, and contingent expenses, including the paper, printing, and stamping, of licenses in said office, three thousand two hundred dollars.

For compensation to the Register of the Treasury, three thousand dollars.

For an additional sum which was allowed him for the service of the year one thousand eight hundred and sixteen, six hundred dollars.

For compensation to the clerks employed in the office of the said Register, seventeen thousand and twenty-eight dollars.

For compensation to the messenger of said office, four hundred and ten dollars.

For expense of stationery, including books for the public stocks, printing the public accounts, and other contingent expenses of the Register's office, three thousand six hundred dollars.

For fuel and other contingent expenses of the Treasury Department, five thousand dollars.

To make good the deficiency in the sum appropriated last year for the general expenses of the several offices of the Treasury Department, and which, from a re-occupancy of the public buildings, required an expenditure for repairs, furniture, and other contingent expenses, thereunto incidental, six thousand nine hundred and twenty-five dollars.

For compensation to a superintendent and two watchmen, employed for the security of the Treasury buildings; and for the expenses of rebuilding two fire engine houses; for repairs of two engines and hose; and for an additional number of buckets, and to keep the same in repair; one thousand seven hundred dollars.

For compensation to the Secretary of the Commissioners of the Sinking Fund, two hundred and fifty dollars.

For compensation to the Secretary of War, four thousand five hundred dollars.

For compensation to the clerks employed in the office of the Secretary of War, fifteen thousand two hundred and thirty dollars.

For compensation to the messenger and his assistants in said office, seven hundred and ten dollars.

For expenses of fuel, stationery, printing, and other contingent expenses in the office of the Secretary of War, four thousand dollars.

For compensation to the Accountant of the War Department, two thousand dollars.

For compensation to the clerks employed in the office of said Accountant, sixteen thousand seven hundred and seventy-five dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For expense of fuel, stationery, printing, and other contingent expenses in said office, one thousand five hundred dollars.

For compensation to the additional Accountant of the War Department, two thousand dollars.

For compensation to the clerks employed in the office of the said additional Accountant, seventeen thousand six hundred dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For expenses of fuel, stationery, printing, and other contingent expenses, in the office of said additional Accountant, including a sum of seven hundred dollars for which no appropriation was made for contingent expenses of last year, one thousand seven hundred dollars.

For compensation to the Paymaster General of the Army, two thousand five hundred dollars.

For an additional compensation allowed him for the year one thousand eight hundred and sixteen, three hundred and forty-six dollars.

For compensation to the clerks employed in the office of the Paymaster General of the Army, ten thousand dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For expense of fuel, stationery, printing, and other contingent expenses in said office, two thousand dollars.

For compensation to the Superintendent General of Military Supplies, three thousand dollars.

For compensation to the clerks employed in the office of said Superintendent, seven thousand dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For expense of fuel, stationery, printing, and other contingent expenses in said office, including a deficiency of two hundred dollars for the contingent expenses of the last year, one thousand two hundred dollars.

For compensation to the Commissary General of Purchases, three thousand dollars.

For compensation to the clerks employed in the office of the Commissary General of Purchases, two thousand eight hundred dollars.

For compensation to the messenger in said office, three hundred and sixty dollars.

For contingent expenses in the office of said Commissary, nine hundred and thirty dollars.

For compensation to the clerks employed in the office of the Adjutant and Inspector General, one thousand eight hundred dollars.

For compensation to the clerks employed in the Ordnance office, one thousand dollars.

For compensation to the Secretary of the Navy, four thousand five hundred dollars.

For compensation to the clerks employed in the office of the said Secretary, seven thousand two hundred and thirty-five dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For expense of fuel, stationery, printing, and other contingent expenses in said office, two thousand five hundred dollars.

For compensation to the Accountant of the Navy Department, two thousand dollars.

For compensation to the clerks employed in the office of the Accountant of the Navy Department, fourteen thousand seven hundred dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For expense of fuel, stationery, and other contingent expenses in said office, one thousand two hundred and fifty dollars.

For compensation to the Commissioners of the Navy Board, ten thousand five hundred dollars.

For compensation to the Secretary of the Navy Board, two thousand dollars.

For compensation to the clerks employed in the office of the Navy Board, three thousand three hundred dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For the contingent expenses of the Navy Board, two thousand dollars.

For compensation to the Postmaster General, three thousand dollars.

For compensation to the Assistant Postmaster General, one thousand seven hundred dollars.

For compensation to the second Assistant Postmaster General, one thousand six hundred dollars.

For compensation to the clerks employed in the General Post Office, nineteen thousand three hundred and five dollars.

For compensation to the messenger and his assistants in said office, six hundred and sixty dollars.

For contingent expenses in said office, three thousand six hundred dollars.

For compensation to the several Commissioners of Loans, and allowance to certain Commissioners of Loans, in lieu of clerk-hire, fourteen thousand five hundred and fifty dollars.

For compensation to the clerks of sundry Commissioners of Loans, and to defray the authorized expenses of the several loan offices, thirteen thousand seven hundred dollars.

For the salary of the late Commissioner of Loans of South Carolina, from the first of April to the twenty-fourth of July, one thousand eight hundred and eleven, being the amount carried to the surplus fund on the thirty-first of December, one thousand eight hundred and thirteen, three hundred and fifteen dollars and twenty-two cents.

For compensation to the Surveyor General and his clerks, four thousand one hundred dollars.

For compensation to the Surveyor of lands south of Tennessee, and for the contingent expenses of his office, three thousand seven hundred dollars.

For compensation to the Commissioner of the Public Buildings in Washington, two thousand dollars.

For compensation to the officers and clerks of the Mint, nine thousand six hundred dollars.

For wages to persons employed in the different operations of the Mint, including the sum of six hundred dollars allowed to an assistant engraver, five thousand dollars.

For repairs, cost of iron and machinery, rents, and other contingent expenses of the Mint, three thousand dollars.

For allowance of wastage in the gold and silver coinage, one thousand five hundred dollars.

For the purchase of copper to coin into cents, fifteen thousand dollars.

For compensation to the Governor, Judges, and Secretary of the Mississippi Territory, nine thousand dollars.

For stationery, office rent, and other contingent expenses of said Territory, three hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary of the Illinois Territory, six thousand six hundred dollars.

For stationery, office rent, and other contingent expenses of the said Territory, three hundred and fifty dollars.

For comprnsation to the Governor, Judges, and Secretary of the Missouri Territory, seven thousand eight hundred dollars.

For stationery, office rent, and other contingent expenses of said Territory, three hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary of the Michigan Territory, six thousand six hundred dollars.

For stationery, office rent, and other contingent expenses of said Territory, three hundred and fifty dollars.

For the discharge of such demands against the United States, on account of the civil department, not otherwise provided for, as shall have been admitted in due course of settlement at the Treasury, two thousand dollars.

For compensation granted by law to the Chief Justice, the Associate Judges, and District Judges, of the United States, including the Chief Justice and Associate Judges of the District of Columbia, sixty-one thousand dollars.

For compensation to the Attorney General of the United States, three thousand dollars.

For compensation of sundry District Attorneys and Marshals, as granted by law, including those in the several Territories, seven thousand eight hundred and fifty dollars.

For defraying the expenses of the Supreme, Circuit, and District Courts of the United States, including the jurors and witnesses, in aid of the funds arising from fines, penalties, and forfeitures, and for defraying the expenses of prosecutions for offences against the United States, and for the safe-keeping of prisoners, forty thousand dollars.

For the payment of sundry pensions granted by the late Government, eight hundred and sixty dollars.

For the payment of the annual allowance to the pensioners of the United States, two hundred thousand dollars.

For the maintenance and support of light-houses, beacons, buoys, and public piers, stakeages of channels, bars, and shoals, including the purchase and transportation of oil, keepers' salaries, repairs and

improvements, and contingent expenses, seventy-three thousand four hundred and ninety-three dollars and thirty-three cents.

For an appropriation, in addition to the appropriation for building a light-house at the mouth of the Mississippi, and for repairing the block-house at the Balize for a temporary light-house, twenty-five thousand dollars.

For rebuiiding the Baldhead light-house, in North Carolina, in addition to the sum heretofore appropriated for that purpose, one thousand dollars.

For rebuilding the light-house at Nantucket, recently destroyed by fire, seven thousand five hundred dollars; beacon lights on Sandy Hook, one thousand two hundred dollars; erection of a beacon, and placing buoys at the entrance of the harbor of Bristol, in Rhode Island, one thousand dollars.

For a light on the beacon on Tybee, and for erecting six beacons, and placing four buoys on such sites, and at such points, as the commissioners of pilotage, residing at Savannah, shall fix on, one thousand two hundred dollars.

For an additional appropriation for building a light-house at Tarpaulin Cove, three thousand seven hundred and forty-six dollars.

For the following objects, being the balances of former appropriations carried to the surplus fund, viz:

For erecting light-houses at the mouth of the Mississippi river, and at or near the pitch of Cape Lookout, in North Carolina, twenty thousand dollars.

For building a light-house on the south point of Cumberland island, in Georgia, ten thousand dollars.

For erecting a light-house on the south point of Sapelo island, in Georgia, fourteen thousand four hundred and ninety-five dollars.

For placing buoys and beacons at or near the entrance of the harbor of Beverly, in Massachusetts, three hundred and fifty dollars.

For placing buoys, as deemed necessary, at the entrance of the harbor of Edgartown, in Massachusetts, one thousand four hundred and forty-three dollars and forty-three cents.

For erecting two light-houses on Lake Erie, viz: on or near Bird island, and on or near Presque Isle, seventeen thousand dollars.

For building a light-house on Petite Manan, six thousand dollars.

For fitting up light-houses heretofore authorized to be erected, with the apparatus for lighting the same, five thousand dollars.

For fitting up the light-houses with Winslow Lewis's improvements, agreeably to his contract of the 26th day of March, 1812, in addition to the sums heretofore appropriated for that purpose, six thousand dollars.

For erecting a beacon on a point of land near New Inlet, in North Carolina, one thousand eight hundred dollars.

For compensation to the commissioner for settling claims for property lost, two thousand dollars.

For compensation to the clerk in said commissioner's office, one thousand dollars.

For defraying the expense of publishing certain notices by the commissioner, two thousand five hundred dollars.

For defraying the expense of printing various forms for the said commissioner, two hundred and forty-nine dollars and twenty-five cents.

For office furniture, stationery, wood, and other contingencies, seven hundred and twenty dollars.

For the hire of an additional clerk, from the eighteenth September, one thousand eight hundred and sixteen, to the first of February, one thousand eight hundred and seventeen, at nine hundred dollars per annum, three hundred and thirty dollars.

For the hire of a messenger, from the first of July to the first of February following, one hundred and twenty dollars.

For defraying the expenses of printing certificates of registry and other documents for vessels, five thousand dollars.

To provide for the payment of the sums directed to be paid by an act of the last session, entitled "An act for settling the compensation of the commissioner, clerk, and translator, of the board for land claims in the eastern and western district of the Territory of Orleans, now State of Louisiana," forty thousand three hundred and seventy-eight dollars and thirty-two cents.

For defraying the expense of surveying the public lands within the several States and Territories of the United States, one hundred and eighty thousand and eighty-eight dollars.

For bringing the votes for President and Vice President of the United States to the Seat of Government, two thousand four hundred dollars.

For the salaries, allowances, and contingent expenses of Ministers to foreign nations, and of Secretaries of Legation, eighty-seven thousand dollars.

For the contingent expenses of intercourse between the United States and foreign nations, seventy thousand dollars.

For the expenses of intercourse with the Barbary Powers, forty-seven thousand dollars.

For the expenses necessary, during the present year, for carrying into effect the fourth, sixth, and seventh articles of the Treaty of Peace, concluded with His Britannic Majesty on the twenty-fourth day of December, one thousand eight hundred and fourteen, including the compensation of the commissioners appointed under those articles, thirty-four thousand three hundred and thirty-three dollars and thirty-two cents.

For the salaries of the agents for claims on account of spoliations, and for seamen at London, Paris, Copenhagen, and the Hague, eight thousand dollars.

For the relief of distressed American seamen, for the present year, and to make good a deficiency in the preceding year, fifty thousand dollars.

On account of the paintings authorized by the resolution of Congress, eight thousand dollars.

For purchasing or erecting, for the use of the United States, suitable buildings for custom-

houses and public warehouses, in such principal district in each State where the Secretary of the Treasury shall deem it necessary for the safe and convenient collection of the revenue of the United States, fifty thousand dollars.

Sec. 2. *And be it further enacted*, That the several appropriations hereinbefore made, shall be paid and discharged out of the fund of six hundred thousand dollars, reserved by the act "making provision for the debt of the United States," and out of any moneys not otherwise appropriated.

Approved, March 3, 1817.

An Act repealing the act, entitled "An act for the safe-keeping and accommodation of prisoners of war, passed July the sixth, one thousand eight hundred and twelve.

Be it enacted, &c., That the act entitled "An act for the safe-keeping and accommodation of prisoners of war, passed on the sixth day of July, one thousand eight hundred and twelve," be, and the same hereby is, repealed; and the Secretary of the Treasury is hereby required to cause an account to be rendered of the fund appropriated by the act hereby repealed, and report the same to Congress at their next session.

Approved March 3, 1817.

An Act making provision for the support of the Military Establishment for the year one thousand eight hundred and seventeen.

Be it enacted, &c., That, for defraying the expenses of the Military Establishment of the United States, for the year one thousand eight hundred and seventeen: for the Indian department; for fortifications; for the Ordnance department; for armories; for arsenals and magazines; for the expenses of the public buildings at West Point; and for the purchase of maps, plans, books, and instruments, for the Military Academy at said place, the following sums be, and the same are hereby, respectively, appropriated; that is to say:

For the pay of the Army of the United States, one million four hundred and thirty-three thousand eight hundred and seventy-two dollars.

For subsistence, including the sum of four hundred thousand dollars already appropriated to that object by an act of this session, one million one hundred and twenty-three thousand seven hundred and ninety-eight dollars.

For forage for officers, sixty-eight thousand three hundred and twenty-four dollars.

For bounties and premiums, thirty-two thousand dollars.

For clothing, six hundred and seventy thousand eight hundred and eighty-one dollars.

For the Medical and Hospital department, one hundred thousand dollars.

For the Ordnance department, one hundred and ninety-one thousand seven hundred and thirty-eight dollars.

For fulfilling contracts already entered into for cannon and shot, sixty thousand dollars.

For completing arsenals already commenced, including that at Pittsburg, and not including that at Frankford, one hundred and thirty-four thousand five hundred dollars.

For purchasing materials for carriages for cannon and caissons, thirty-nine thousand dollars.

For fulfilling a contract for saltpetre with John P. Boyd, a sum not exceeding forty-three thousand seven hundred and sixty dollars.

For armories, three hundred and seventy-seven thousand three hundred and sixty-seven dollars.

For the Quartermaster's department, four hundred and sixty thousand dollars.

For fortifications, eight hundred and thirty-eight thousand dollars.

For contingencies of the Army, one hundred thousand dollars.

For the Indian department, two hundred thousand dollars.

For the purchase of maps, plans, books, and instruments for the War Office, two thousand five hundred dollars.

For the purchase of maps, plans, books, instruments, fuel, and stationery, for the Military Academy; repairing buildings at West Point, and for transportation and two boats, sixteen thousand five hundred and seventy dollars.

Sec. 2. *And be it further enacted*, That the sums herein appropriated be paid out of any money in the Treasury, not otherwise appropriated.

Approved March 3, 1817.

An Act authorizing the payment of a sum of money to the State of Georgia, under the articles of agreement and cession between the United States and that State.

Be it enacted, &c., That there shall be paid to the State of Georgia, out of any moneys in the Treasury not otherwise appropriated, a sum equal to the amount of Mississippi stock which has been or shall be received in payment of the public lands in the Mississippi Territory, until the payment of one million two hundred and fifty thousand dollars, secured to the said State by the articles of agreement and cession between the United States and the State of Georgia, shall be completed; and the money hereby appropriated shall be paid in the same manner as if the payments in the said Mississippi stock had been made in money: *Provided*, That the payments which shall be made in pursuance of this act, shall not in the whole exceed three hundred and fifty thousand dollars, and the same shall be repaid to the Treasury out of the net proceeds of the sale of public lands in the Mississippi Territory, before any of the moneys thence arising shall be paid for the redemption of the outstanding certificates of Mississippi stock.

Approved March 3, 1817.

An Act for erecting a light-house on the west chop of Holmes's Hole harbor, in the State of Massachusetts.

Be it enacted, &c., That, as soon as a cession shall be made by the State of Massachusetts to

the United States of the jurisdiction over a piece of land proper for the purpose, the Secretary of the Treasury shall be, and he is hereby, authorized to provide by contract, to be approved by the President of the United States, for building a light-house on the west chop of Holmes's Hole harbor in the said State, and to furnish the same with all necessary supplies; and also to agree for the salaries or wages of the person, or persons, who may be appointed by the President for the superintendence and care of the same; and the President shall be authorized to make the said appointments.

SEC. 2. *And be it further enacted*, That there shall be appropriated and paid out of any moneys in the Treasury, not otherwise appropriated, the sum of five thousand dollars for the purposes aforesaid.

Approved, March 3, 1817.

An Act transferring the duties of Commissioner of Loans to the Bank of the United States, and abolishing the office of Commissioner of Loans.

Be it enacted, &c., That the Bank of the United States, and its several branches, shall be, and they are hereby, required to do and perform the several duties, of Commissioners of Loans for the several States; and the Bank of the United States and its several branches, and such State banks as the Bank of the United States may employ in those States where no branch bank shall be established, shall observe and conform to the directions which have been or may hereafter be prescribed by the Secretary of the Treasury, with the approbation of the President of the United States, touching the execution of the duties aforesaid.

SEC. 2. *And be it further enacted*, That all such duties and acts as are now done and performed by the Commissioners of Loans, in transferring stock from the books of one loan office to another, or to the books of the Treasury, or from the books of the Treasury to the books of the loan offices, shall be done and performed by the president of the Bank of the United States, the president of the several branches of the said bank, and by the president of such State banks as the Bank of the United States may employ, (in States where no branch of the United States Bank shall be established;) and the acts of the presidents aforesaid shall be countersigned by the cashiers of those banks respectively.

SEC. 3. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to notify the president of the Bank of the United States, that the duties now performed by the Commissioners of Loans will be transferred to the Bank of the United States, and he shall direct the Commissioners of Loans and the agents for military pensions, where there is no commissioner, respectively, in the several States, to deliver to the president of the Bank of the United States, or to the president of a branch thereof, or to the president of such State bank as the Bank of the United States may employ, on such day or days as he may designate, the register, and all the records and papers of their respective offices; and it shall be the duty of the said Commissioners of Loans and agents for pensioners to comply with the said direction, and also to take duplicate receipts for the delivery of the records and papers herein described, one of which shall be transmitted, without delay, to the Secretary of the Treasury: *Provided, however*, That the Secretary of the Treasury may designate such time, before the first day of January, one thousand eight hundred and eighteen, for the performance of the duties aforesaid, as the public convenience will permit: *And provided also*, That this act shall not be construed to extend to any agent for military pensions in any State where there is no bank established by law.

SEC. 4. *And be it further enacted*, That the office of Commissioner of Loans, upon the delivery of the records and papers, as herein required, to the Bank of the United States, or its branches, or to the State banks employed by the Bank of the United States in those States where there may be no branch, shall be, and hereby is, abolished; and the pay and emoluments of the said Commissioners of Loans, and the clerks and persons employed by them, after such delivery, shall respectively cease and determine.

SEC. 5. *And be it further enacted*, That the act, entitled "An act for the prompt settlement of public accounts," shall commence, and be in force, on and after the third day of this instant, March, anything in the aforesaid act to the contrary notwithstanding.

Approved, March 3, 1817.

An Act to regulate the trade in Plaster of Paris.

Be it enacted, &c., That, from and after the fourth day of July next, no plaster of Paris, the production of any country, or its dependencies, from which the vessels of the United States are not permitted to bring the same article, shall be imported into the United States in any foreign vessel. And all plaster of Paris imported, or attempted to be imported, into the United States, contrary to the true intent and meaning of this act, and the vessel in which the same may be imported, or attempted to be imported, together with the cargo, tackle, apparel, and furniture, shall be forfeited to the United States; and such plaster of Paris, vessel and cargo, shall be liable to be seized, prosecuted, and condemned, in like manner, and under the same regulations, restrictions, and provisions, as have been heretofore established for the recovery, collection, and distribution, and remission, of forfeitures to the United States by the several revenue laws.

SEC. 2. *And be it further enacted*, That this act shall continue and be in force five years from the thirty-first day of January, one thousand eight hundred and seventeen: *Provided, nevertheless*, That if any foreign nation, or its dependencies, which have now in force regulations on the subject of the trade in plaster of Paris, prohibiting the exportation thereof to certain parts of the

United States, shall discontinue such regulations, the President of the United States is hereby authorized to declare that fact by his proclamation, and the restrictions imposed by this act shall, from the date of such proclamation, cease and be discontinued in relation to the nation, or its dependencies, discontinuing such regulations.

Approved, March 3, 1817.

An Act authorizing the deposite of the papers of foreign vessels, with the Consul of their respective nations.

Be it enacted, &c., That the register, or other document in lieu thereof, together with the clearance and other papers, granted by the officers of the customs to any foreign ship or vessel, at her departure from the port or place from which she may have arrived, shall, previous to entry in any port of the United States, be produced to the collector with whom such entry is to be made. And it shall be the duty of the master or commander, within forty-eight hours after such entry, to deposite the said papers with the consul or vice consul of the nation to which the vessel belongs, and to deliver to the collector the certificate of such consul or vice consul, that the said papers have been so deposited; and any master, or commander, as aforesaid, who shall fail to comply with this regulation, shall, upon conviction thereof in any court of competent jurisdiction, be fined in a sum not less than five hundred dollars, nor exceeding two thousand dollars: *Provided*, That this act shall not extend to the vessels of foreign nations in whose ports American consuls are not permitted to have the custody and possession of the register and other papers of vessels entering the ports of such nation, according to the provisions of the second section of the act supplementary to the act "concerning consuls and vice consuls, and for the further protection of American seamen," passed the twenty-eighth of February, one thousand eight hundred and three.

Sec. 2. *And be it further enacted*, That, it shall not be lawful for any foreign consul to deliver to the master or commander of any foreign vesssel the register and other papers deposited with him pursuant to the provisions of this act, until such master or commander shall produce to him a clearance in due form from the collector of the port where such vessel had been entered; and any consul offending against the provisions of this act shall, upon conviction thereof before the Supreme Court of the United States, be fined at the discretion of the court in a sum not less than five hundred dollars, nor exceeding five thousand dollars.

Approved, March 3, 1817.

An Act to provide for furnishing the house of the President of the United States.

Be it enacted, &c., That after the third day of March, one thousand eight hundred and seventeen, the President of the United States be, and he is hereby, authorized and empowered, to cause to be sold such articles furnished by the United States for the President's household, as may be decayed, out of repair, or unfit for use; and that the proceeds of sales, and so much of a sum not exceeding twenty thousand dollars, in addition thereto, out of any money in the Treasury not otherwise appropriated, as the President of the United States may judge necessary, be, and hereby are, appropriated for the accommodation of the household of the President, to be laid out and expended for such articles of furniture as he shall direct.

Approved, April 3, 1817.

An Act further to regulate the Territories of the United States, and their electing delegates to Congress.

Be it enacted, &c., That in every Territory of the United States in which a temporary government has been, or hereafter shall be, established, and which by virtue of the ordinance of Congress of the thirteenth of July, one thousand seven hundred and eighty-seven, or of any subsequent act of Congress, passed, or to be passed, now hath or hereafter shall have the right to send a delegate to Congress, such delegate shall be elected every second year, for the same term of two years for which members of the House of Representatives of the United States are elected; and in that House each of the said delegates shall have a seat with a right of debating, but not of voting.

Sec. 2. *And be it further enacted*, That on the first Monday of August next the citizens of the Territory of Missouri, qualified according to the act, entitled "An act providing for the government of the Territory of Missouri," shall elect a delegate to Congress; and it shall be the duty of the General Assembly of the said Territory to make provision by law for the annual or biennial meetings of the said General Assembly, as the interests of the Territory may in their opinion require; and such annual or biennial meeting shall be on the first Monday of December, unless they shall by law appoint a different day. And so much of any law, or laws, as are inconsistent with the provisions of this act, shall be, and the same are hereby, repealed.

Approved, March 3, 1817.

An Act to alter and establish certain post roads.

Be it enacted, &c., That the post roads hereinafter named be discontinued:

In Pennsylvania.—From Wysoxby, Orville, and Warren, to Nanticoke.

From Silver Lake, or Montrose, to Binghampton.

From Williamsport to Jersey Shore.

In Virginia.—From Liberty to Fincastle.

In Indiana.—From Brookville, by Bath and Lewistown, to Salisbury.

In Kentucky.—From Isbellville to Ewingville.

From Greenup court-house to Little Sandy Salt-works.

From Danville, by Casey court-house, Pulaski court-house, Wayne court-house, Burksville, and Columbia, to Danville.

SEC. 2. *And be it further enacted*, That the following be established post roads:

In Maine.—From Jay, by Jaypoint, Dixfield, and Holmantown, to Rumford.

From Anson to Solon.

In New Hampshire.—From Dunstable, by Nottingham West, to Pelham.

From Ackworth, Lempster, and Unity, to Newport.

From Ossippe, by Effingham, to Parsonfield.

In Vermont.—From Craftsborough, by Kelyvale, and Montgomery, to Richford.

In Massachusetts.—From Groton, by Pepperel and Holles, to Amherst, New Hampshire.

In Connecticut.—From Bridgeport, by Weston, Reading, and Bethel, to Danbury.

From Stanford, by way of New Canaan and North Ridgefield, to Danbury.

From Colchester, by Chatham, to Middletown.

In New York.—From Canandaigua, by Bristol, Richmond, Livonia, Gennessee, and Warsaw, to Sheldon.

From Oswego Falls, by Port Glasgow and Portland, and along the ridge road by Carthage, to Rochester.

From Moscow, by the State road, to Buffalo.

From Oswego, by Montrose, Pennsylvania, and the turnpike to Milford, thence by Hamburg, in New Jersey, to Jersey City.

From Poughkeepsie, through Beekmantown, to New Milford.

From Bath, by Angelica, Hamilton, Cerestown, Pennsylvania, Coudersport, and Jersey shore, to Williamsport.

From Bath to Naples.

From Angelica, by Nunda and Leicester, to Batavia.

From Salem, by Hebron, Argyle, and Fort Edwards, to Sandy Hill.

From Kingston, by Hurley, Marbletown, Rochester, Warwarsink, Mamakoting, to Milford, Pennsylvania.

From Madison, by Peterboro, to the Sullivan post office at the Chittenengo creek.

In New Jersey.—From Trenton, by Birmingham, Lambertsville, Prattsville, Frenchtown, Milford and Hughes's Forge, to Easton, Pennsylvania.

From Baskingridge, by New Providence, to Springfield, in Essex county.

In Pennsylvania.—From Newtown on the Somerset great road, by Fairfield meeting-house, to Armagh.

From Greensburgh, by the Great Salt works, to Indiana.

From Connelsville to Mount Pleasant.

From Kittaning to Roseburg.

From Franklin, by Oil Creek Town, Centreville, Bloomfield and Union, to Waterford.

From Lewistown, by Bellville, McAleavy's, Henry's, and Petersburg, to Alexandria; or, from Lewistown, by Bellville, Kisharvyville's valley, Wilson's mills, and Huntingdon, to Alexandria.

From Womelsdorf, by Rohrersburg, Pine Grove, Klingerstown, and Georgetown, to Sunbury.

From Meansville, by Wysox, Pike, Head of Wyalusing creek, and Windham, to Montrose.

From Measville, by Sugar creek, and Smith's to Putnamville.

From Putnamville, by Columbia, Springfield, Athens, and Old Sheshiquin, to Meansville.

From Montrose, by Orwell, and Warren, to Athens.

From Shickshenny, by Huntingdon, Jackson, and Evernvills, to Jerseytown.

In Maryland.—From Westminster, by Taneytown, and Emmittsburg, to Waynesburg.

From Baltimore, by Randalstown, Freedom, and New Windsor, to Uniontown.

In Ohio.—From St. Clairsville, by Harrisville, Cadiz, Flushing, Morristown, Belmont, and Barnsville, to Woodfield, thence by Dillon's, on Capteen Creek, to St. Clairsville.

From Dayton to Monroe

From Columbus to Granville.

From London, by Springfield, to Dayton.

From Newark, by New Lebanon, to Lancaster.

From Cincinnati, by Carson's, Ingersol's Ferry, or town of Miami, Clarke's store, and Harrison, to Brookville, Indiana.

In Virginia.—From Charlottesville, by Grayham's store, to Brown's turnpike.

From Liberty to Salem.

From Clarksburg, by Lewis court-house to Point Pleasant.

From Hull's store, in Pendleton county, to Bath court-house.

In Kentucky.—From Cattelsburg, by Little Sandy Salt works, Isle's mills, Owingsville, and Mouth of Bald Eagle, to Paris.

From Louisville, by Middletown, New Castle, Twin meeting-house, to Boone court-house.

From Russelville, by Elkton and Ewingville, to Hopkinsville.

From Hopkinsville, by Greenville, Madisonville, Belville, and Morganfield, to Shawneetown (Indiana.)

From Elizabethton, by Philadelphia, to Corydon (Indiana.)

From Danville, by Liberty and Somerset, to Monticello.

From Monticello, by Burksville, to Glasgow.

From Burksville to Columbia.

From Upper Bluelick, by Moorfield, to Owingsville.

From Port William, by Bedford, to New Castle.

In North Carolina.—From Morgantown, by Rutherfordton, to Greenville, South Carolina.

In Tennessee.—From Boatyard to Scott court-house.

From Dandridge, by Sevierville, to Maryville.

From Knoxville, by Loysborough and Speedville Iron Works, to Cumberland Gap.

From Shelbyville to Winchester.

From Nashville, by John Hunt's, to Clarksville.

From Morganton, by Russel's Ferry, Chota, Tellico Plains, Beaver Dams, and Griffin's, to Carnesville. Georgia.

In South Carolina.—From Pocotaligo, by

Hickory Hill, in Prince William Parish, to Lower Three Runs, or Higginbottoms.

From Cambridge, by Scuffletown, to Pickensville.

In Georgia.—From Washington, by Elberton court-house and Danielsville, to Carnesville.

In Indiana.—From Corydon, by Shoemaker's, Troy, Mount Pleasant, Darlington and Evansville, to Harmony.

From Corydon, by Fredericksburg, to Salem.

From Lexington, by Salem, to Paoli.

From Vincennes, by Emmersonville, Carlisle, and Terre Haut, to Fort Harrison.

From Madison to New Castle, Kentucky.

From Madison to Vernon.

From Lawrenceburg, by Decatur, to Wilmington.

From Hamilton, Ohio, by Bath, Brookville, Connersville, Waterloo, Centreville, Salisbury, Dunlapsville, and Fairfield, to Brookville.

From Princeton to Hendersonton, Kentucky.

Approved, March 3, 1817.

An Act to continue in force an act, entitled "An act for establishing trading-houses with the Indian tribes."

Be it enacted, &c., That the act, entitled "An act for establishing trading-houses with the Indian tribes," passed on the second day of March, one thousand eight hundred and eleven, and which was continued in force for a limited time by an act passed on the third day of March, one thousand eight hundred and fifteen, shall be, and the same is hereby, further continued in force until the first day of May, one thousand eight hundred and eighteen, and no longer.

Approved, March 3, 1817.

An Act to provide for the prompt settlement of Public Accounts.

Be it enacted, &c., That, from and after the third day of March next, the offices of accountant and additional accountant of the Department of War, the office of accountant of Navy, and the office of superintendent general of military supplies, be, and they are hereby, abolished.

Sec. 2. *And be it further enacted*, That, from and after the said third day of March next, all claims and demands whatever, by the United States or against them, and all accounts whatever, in which the United States are concerned, either as debtors or creditors, shall be settled and adjusted in the Treasury Department.

Sec. 3. *And be it further enacted*, That, from and after the third day of March next, in addition to the officers in the Treasury Department, already established by law, there shall be the following officers, namely, four auditors and one comptroller.

Sec. 4. *And be it further enacted*, That it shall be the duty of the first auditor to receive all accounts accruing in the Treasury Department, and, after examination, to certify the balance and transmit the accounts, with the vouchers and certificate, to the first comptroller for his decision thereon; that it shall be the duty of the second auditor to receive all accounts relative to the pay and clothing of the army, the subsistence of officers, bounties, and premiums, military and hospital stores, and the contingent expenses of the War Department; that it shall be the duty of the third auditor to receive all accounts relative to the subsistence of the army, the quartermaster's department, and generally all accounts of the War Department other than those provided for; and it shall be the duty of the fourth auditor to receive all accounts accruing in the Navy Department, or relative thereto; and the second, third, and fourth auditors aforesaid shall examine the accounts respectively, and certify the balance, and transmit the accounts, with the vouchers and certificate, to the second comptroller for his decision thereon; and it shall be the duty of the fifth auditor to receive all accounts accruing in, or relative thereto, the Department of State, the General Post Office, and those arising out of Indian affairs, and examine the same, and thereafter certify the balance, and transmit the accounts, with the vouchers and certificate, to the first comptroller for his decision thereon: *Provided*, That the President of the United States may assign to the second or third auditor the settlement of the accounts which are now confided to the additional accountant of the War Department.

Sec. 5. *And be it further enacted*, That it shall be the duty of the auditors charged with the examination of the accounts of the War and Navy Departments, to keep all accounts of the receipts and expenditures of the public money in regard to those departments, and of all debts due to the United States on moneys advanced relative to those departments; to receive from the second comptroller the accounts which shall have been finally adjusted, and to preserve such accounts, with their vouchers and certificates, and to record all warrants drawn by the secretaries of those departments, the examination of the accounts of which has been assigned to them by the preceding section. And it shall be the duty of the said auditors to make such reports on the business assigned to them as the Secretaries of the War and Navy Departments may deem necessary, and require, for the services of those departments.

Sec. 6. *And be it further enacted*, That the said auditors shall annually, on the first Monday in November, report to the Secretary of the Treasury the application of the money appropriated for the military and naval departments, for the preceding year, which shall be laid before Congress by him, with the annual statement of the public expenditure.

Sec. 7. *And be it further enacted*, That the Treasurer of the United States shall disburse all such moneys as shall have been previously ordered for the use of the War and Navy Departments by warrants from the Treasury, which disbursements shall be made pursuant to warrants drawn by the Secretary of the War and Navy Departments respectively, countersigned by the

second comptroller, and registered by the auditors respectively.

Sec. 8. *And be it further enacted*, That it shall be the duty of the first comptroller to examine all accounts settled by the first and fifth auditors, and certify the balances arising thereon to the register; to countersign all warrants drawn by the Secretary of the Treasury, which shall be warranted by law; to report to the Secretary the official forms to be issued in the different offices for collecting the public revenue, and the manner and form of keeping and stating the accounts of the several persons employed therein. He shall also superintend the preservation of the public accounts, subject to his revision, and provide for the regular payment of all moneys which may be collected.

Sec. 9. *And be it further enacted*, That it shall be the duty of the second comptroller to examine all accounts settled by the second, third, and fourth auditors, and certify the balances arising thereon to the secretary of the department in which the expenditure has been incurred; to countersign all warrants drawn by the Secretaries of the War and Navy Departments, which shall be warranted by law; to report to the said secretaries the official forms to be issued in the different offices for disbursing the public money in those departments, and the manner and form of keeping, and stating, the accounts of the persons employed therein; and it shall also be his duty to superintend the preservation of the public accounts subject to his revision.

Sec. 10. *And be it further enacted*, That it shall be the duty of the first comptroller to superintend the recovery of all debts to the United States; to direct suits and legal proceedings, and to take all such measures as may be authorized by the laws, to enforce prompt payment of all debts to the United States.

Sec. 11. *And be it further enacted*, That the provision contained in the second section of the act, passed the third March, one thousand seven hundred and ninety-seven, entitled "An act to provide more effectually for the settlement of accounts between the United States and receivers of public money," which directs that in every case where suits have been, or shall be, instituted, a transcript from the books and proceedings of the Treasury, certified by the register, shall be admitted as evidence, be extended, in regard to the accounts of the War and Navy Departments, to the auditors respectively charged with the examination of those accounts, and that certificates, signed by them, shall be of the same effect as that directed to be signed by the register.

Sec. 12. *And be it further enacted*, That the auditors of the public accounts shall be empowered to administer oaths or affirmations to witnesses in any case in which they may deem it necessary for the due examination of the accounts with which they shall be charged.

Sec. 13. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to cause all accounts of the expenditure of public money to be settled within the year, except where the distance of the places where such expenditure occurs may be such as to make further time necessary; and, in respect to expenditures at such places, the Secretary of the Treasury, with the assent of the President, shall establish fixed periods at which a settlement shall be required. And it shall be the duty of the first comptroller to lay before Congress annually, during the first week of their session, a list of such officers as shall have failed in that year to make the settlement required by law.

Sec. 14. *And be it further enacted*, That in the annual statement of all accounts on which balances appear to have been due more than three years, which the comptroller is now required by law to make, he shall hereafter distinguish those accounts, the balances appearing on which shall in his opinion be owing to difficulties of form, which he may think it equitable shall be removed by an act of Congress; and where the debtors, by whom such balances shall have been due more than three years, shall be insolvent, and have been reported to Congress for three successive years as insolvent, the comptroller shall not be required in such case to continue to include such balances in the statement above mentioned.

Sec. 15. *And be it further enacted*, That the salary of the comptroller, appointed by virtue of this act, shall be three thousand dollars per annum, and that of the auditors, each, three thousand dollars per annum.

Sec. 16. *And be it further enacted*, That all letters and packages to and from the comptroller and auditors, herein before mentioned, be conveyed free of postage, under the same regulations that are provided by law for other officers of Government; and the Secretary of the Treasury is hereby authorized to assign the several sums appropriated for clerk-hire in the offices of the accountant, additional accountant, superintendent general of military supplies, and accountant of the navy, to the officers hereby created, to which their respective duties shall be assigned.

Approved, March 3, 1817.

An Act respecting the compensation of the collectors therein mentioned.

Be it enacted, &c., That, from and after the last day of March instant, there shall be allowed and paid, annually, in addition to the sum now allowed by law to the collector of the customs for Edgartown, in the State of Massachusetts, the sum of one hundred and fifty dollars; and to the collector of the customs for Plymouth, in the State of North Carolina, there shall also be paid annually the sum of one hundred and fifty dollars, in addition to the fees and other emoluments of office.

Sec. 2. *And be it further enacted*, That, from and after the last day of March instant, there shall be allowed to the collector of the customs for Middletown, in Connecticut, and to the collector of the customs in Newburyport, in the State of Massachusetts, three per centum on all moneys by

them received on account of the duties upon importation and on tonnage.

Approved, March 3, 1817.

An Act to continue in force the second section of the act entitled "An act supplementary to an act to regulate the duties on imports and tonnage."

Be it enacted, &c., That on all foreign ships or vessels which shall be entered in the United States, after the thirtieth day of June next, from any foreign port or place, to and with which vessels of the United States are not ordinarily permitted to enter and trade, there shall be paid a duty at the rate of two dollars per ton, to be levied and collected in the same manner, and under the same regulations, as are prescribed by law in relation to the duties upon tonnage now in force.

Approved, March 3, 1817.

An Act supplementary to "An act to regulate the duties on imports and tonnage."

Be it enacted, &c., That in all cases where an ad valorem duty shall be charged, it shall be calculated on the net cost of the article at the place whence imported, (exclusive of packages, commissions, charges of transportation, export duty, and all other charges,) with the usual addition, established by law, of twenty per cent. on all merchandise imported from places beyond the Cape of Good Hope, and of ten per cent. on articles imported from all other places.

Approved, March 3, 1817.

An Act for the relief of the widows and orphans of the officers, seamen, and marines, who were lost in the United States brig Epervier.

Be it enacted, &c., That the widow, if any such there be, and, in case there be no widow, the child or children, if there be no child, then to the parents or parent, and if there be no parent, then to the brothers and sisters of the officers, seamen, and marines, who were in the service of the United States, and lost in the brig Epervier, shall be entitled to, and receive, out of any money in the Treasury not otherwise appropriated, a sum equal to six months pay of their respective deceased relatives aforesaid, in addition to the pay due to the said deceased on the fourteenth day of July, one thousand eight hundred and fifteen, to which day the arrears of pay due the deceased shall be allowed and paid by the accounting officers of the Navy Department.

Approved, March 3, 1817.

An Act authorizing the Secretary of the Treasury to remit the duties therein mentioned.

Be it enacted, &c.. That if any person to whom a license shall have been granted before the first day of July, in the year of our Lord one thousand eight hundred and sixteen, for a term extending beyound the said first day of July, according to the provisions of the act, entitled "An act laying duties on licenses to distillers of spirituous liquors," shall prove, to the satisfaction of the Secretary of the Treasury, that he has discontinued, at any time since the said first of July, the use of any still, or stills, for the use of which the said license was granted, and not afterwards used the same, then, and in such case, it may be lawful for the Secretary of the Treasury to remit such proportion of the said duties as may have accrued for the time during which the use of the said still, or stills, was so discontinued; and, if such duties have been paid, then to repay out of any money in the Treasury, not otherwise appropriated, that proportion of such duties which accrued during the discontinuance of the use of said still, or stills, as above mentioned.

Approved, March 3, 1817.

An Act authorizing the Secretary of the Treasury to pay to the State of Georgia fifteen per centum upon the quota of direct tax, for the year one thousand eight hundred and sixteen, assumed and paid by that State.

Be it enacted, &c., That the Secretary of the Treasury shall be authorized to pay to the order of the Governor of Georgia, for the use of that State, the sum of fourteen thousand one hundred and eighty dollars and forty-seven cents, being an abatement of fifteen per cent. on the quota of direct tax, payable by that State, for the year one thousand eight hundred and sixteen; which quota was paid, but notice of an intention to assume it not given in time to entitle the said State to the deduction of fifteen per cent. under the act of January, one thousand eight hundred and fifteen, laying a direct tax upon the United States.

SEC. 2. *And be it further enacted*, That the above sum of fourteen thousand one hundred and eighty dollars and forty-seven cents shall be paid out of any money in the Treasury not otherwise appropriated.

Approved, March 3, 1817.

An Act more effectually to preserve the neutral relations of the United States.

Be it enacted, &c., That if any person shall, within the limits of the United States, fit out and arm, or attempt to fit out and arm, or procure to be fitted out and armed, or shall knowingly be concerned in the furnishing, fitting out, or arming, of any such ship or vessel, with intent that such ship or vessel shall be employed in the service of any foreign Prince or State, or of any colony, district or people, to cruise or commit hostilities, or to aid or co-operate in any warlike measure whatever, against the subjects, citizens, or property of any Prince or State, or of any colony, district or people, with whom the United States are at peace, every such person so offending shall, upon conviction, be adjudged guilty of a high misdemeanor, and shall be fined and imprisoned at the discretion of the court in which the conviction shall be had, so that the fine to be imposed shall in no case be more than ten thousand dollars, and the term of imprisonment shall not exceed ten years; and every such ship or vessel, with her

tackle, apparel, and furniture, together with all materials, arms, ammunition, and stores, which may have been procured for the building and equipment thereof, shall be forfeited, one half to the use of any person who shall give information, and the other half to the use of the United States.

Sec. 2. *And be it further enacted*, That the owners of all armed ships, sailing out of the ports of the United States, and owned wholly, or in part, by citizens thereof, shall enter into bond to the United States, with sufficient sureties, prior to clearing out the same, in double the amount of the value of the vessel and cargo on board, including her armament, that the said ship or vessel, shall not be employed by such owners in cruising or committing hostilities, or in aiding or co-operating in any warlike measure against the subjects, citizens, or property, of any Prince or State, or of any colony, district, or people, with whom the United States are at peace.

Sec. 3. *And be it further enacted*, That the collectors of the customs be, and they are hereby, respectively authorized and required to detain any vessel manifestly built for warlike purposes, and about to depart from the United States, of which the cargo shall principally consist of arms and munitions of war, when the number of men shipped on board, or other circumstances, shall render it probable that such vessel is intended to be employed by the owner or owners to cruise or commit hostilities upon the subjects, citizens, or property of any Prince or State, or of any colony, district, or people with whom the United States are at peace, until the decision of the President be had thereupon, or until the owner enters into bond and sureties to the United States prior to clearing out the same, in double the amount of the value of the vessel and cargo on board, including her armament, that the said ship or vessel shall not be employed by the owner or owners in cruising or committing hostilities, or in aiding or co-operating in any warlike measure against the subjects, citizens, or property of any Prince or State, or of any colony, district, or people, with whom the United States are at peace.

Sec. 4. *And be it further enacted*, That if any person shall, within the territory or jurisdiction of the United States, increase or augment, or procure to be increased or augmented, or shall be knowingly concerned in increasing or augmenting the force of any ship-of-war, cruiser, or other armed vessel, which, at the time of her arrival within the United States, was a ship-of-war, cruiser, or armed vessel in the service of a foreign Prince or State, or of any colony, district, or people, or belonging to the subjects or citizens of any such Prince, State, colony, district, or people, the same being at war with any foreign Prince or State with whom the United States are at peace, by adding to the number or size of the guns of such vessels prepared for use, or by the addition thereto of any equipment solely applicable to war, every such person, so offending, shall, upon conviction, be adjudged guilty of a misdemeanor, and shall be fined and imprisoned at the discretion of the court in which the conviction shall be had, so as that such fines shall not exceed one thousand dollars, nor the term of imprisonment be more than one year.

Sec. 5. *And be it further enacted*, That this act shall continue in force for the term of two years.

Approved, March 3, 1817.

An Act to establish a separate Territorial Government for the eastern part of the Mississippi Territory.

Be it enacted, &c., That all that part of the Mississippi Territory which lies within the following boundaries, to wit: beginning at the point where the line of the thirty-first degree of north latitude intersects the Perdido river, thence east to the western boundary line of the State of Georgia, thence along said line to the southern boundary line to the State of Tennessee, thence west along said boundary line to the Tennessee river, thence up the same to the mouth of Bear creek, thence by a direct line to the northwest corner of Washington county, thence due south to the Gulf of Mexico, thence eastwardly, including all the islands within six leagues of the shore, to the Perdido river, and thence up the same to the beginning, shall, for the purpose of a temporary government, constitute a separate Territory, and be called "Alabama."

Sec. 2. *And be it further enacted*, That all offices which may exist, and all laws which may be in force, in said Territory, within the boundaries above described, at the time this act shall go into effect, shall continue to exist and be in force until otherwise provided by law. And the President of the United States shall have power to appoint a Governor and Secretary for the said Alabama Territory, who shall respectively exercise the same power, perform the same duties, and receive for their services the same compensation, as are provided for the Governor and Secretary of the Mississippi Territory: *Provided*, That the appointment of said Governor and Secretary shall be submitted to the Senate, for their advice and consent, at the next session of Congress.

Sec. 3. *And be it further enacted*, That there shall be appointed an additional judge of the Mississippi Territory, who shall reside in the eastern part thereof, and receive the same compensation as the other judges; and that the judge appointed by virtue of an act passed the twenty-seventh day of March, one thousand eight hundred and four, for the appointment of an additional judge for the Mississippi Territory, together with the judge appointed for Madison county, and the judge to be appointed by virtue of this act, shall possess and exercise exclusive original jurisdiction in the superior courts of Washington, Baldwin, Clarke, Monroe, Montgomery, Wayne, Green, Jackson, Mobile, Madison, and of such new counties as may be formed out of them, and shall arrange the same among themselves, from time to time: *Provided*, That no judge shall sit more than twice in succession in the same court, and that the other judges of the Mississippi Territory

shall exercise, as heretofore authorized by an act of Congress, or of the Territorial Legislature, exclusive jurisdiction in the superior courts of the other counties. That a general court, to be composed of the judge appointed by virtue of the act of twenty-seventh of March, one thousand eight hundred and four, the judge appointed for Madison county, and the judge to be appointed by virtue of this act, or any two of them, shall be holden at St. Stephens, commencing on the first Mondays of January and July, annually, who shall have the same power of issuing writs of error to the superior courts of the counties mentioned in this section, or which shall hereafter be formed in the eastern division of the Territory, which was given by the act for the appointment of an additional judge, passed the year one thousand eight hundred and four, to the superior court of Adams district, and which shall possess, exclusively of the courts of the several counties, the federal jurisdiction given to the superior courts of the Territories, by an act passed the third day of March, one thousand eight hundred and five, entitled "An act to extend jurisdiction in certain cases to the Territorial courts."

Sec. 4. *And be it further enacted*, That the Governor, to be appointed under the authority of this act, shall, immediately after entering into office, convene, at the town of St. Stephens, such of the members of the Legislative Council and House of Representatives of the Mississippi Territory, as may then be the Representatives from the several counties within the limits of the Territory to be established by this act; and the said members shall constitute the Legislative Council and House of Representatives for the aforesaid Alabama Territory, whose powers, in relation to the said Territory, shall be, until the expiration of the term for which they shall have been chosen, or until Congress shall otherwise provide, the same in all respects as are now possessed by the Legislative Council and House of Representatives of the Mississippi Territory; and the said Legislative Council and House of Representatives of the Alabama Territory, so formed, shall have power to nominate six persons to the President of the United States, three of whom shall be selected by him for members of the Legislative Council, in addition to the number which the said Territory may possess agreeably to the foregoing provisions of this section. The said Legislative Council and House of Representatives shall also have power to elect a Delegate to Congress, who shall, in all respects, possess the same rights and immunities as other Delegates from Territories of the United States.

Sec. 5. *And be it further enacted*, That this act shall commence and be in force so soon as the convention, the appointment whereof has been authorized by Congress at their present session, shall have formed a constitution and State government for that part of the Mississippi Territory lying west of the Territory herein described; of which act of convention the Governor of the Mississippi, for the time being, shall give immediate notice to the President of the United States, who shall thereupon forthwith proceed to the execution of the powers vested in him by the second section of this act; but in case said convention shall fail to form a constitution and State government, as aforesaid, then this act shall become null and void, except so far as relates to the third section thereof, which shall take effect and be in force from and after the passage of this act.

Sec. 6. *And be it further enacted*, That all persons who shall be in office, within the Territory hereby established, when the said convention shall have formed a constitution and State government, as aforesaid, shall continue to hold and exercise their offices in all respects as if this act had never been made; and the Governor and Secretary of the Mississippi Territory, for the time being, shall continue to exercise the duties of their respective offices in relation to the Territory hereby established, until a Governor and Secretary shall be appointed therefor, in pursuance to this act.

Sec. 7. *And be it further enacted*, That all judicial process in the said Territory of Alabama shall be issued and bear test as heretofore; nor shall any suit be discontinued or the proceedings of any cause stayed, or in any wise affected by anything contained in this act, or in the act entitled "An act to enable the people of the western part of the Mississippi Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States."

Sec. 8. *And be it further enacted*, That the town of St. Stephens shall be the seat of government for the said Alabama Territory, until it shall be otherwise ordered by the Legislature thereof.

Sec. 9. *And be it further enacted*, That whatever balance may remain in the treasury of the Mississippi Territory, at the time when the convention authorized to form a constitution and State government for the western part of said Territory, may have formed a constitution and State government for the same, shall be divided between the new State and Territory, according to the amount which may have been paid into said treasury from the counties lying within the limits of such State and Territory respectively.

Approved, March 3, 1817.

An Act to amend and explain an "Act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States."

Be it enacted, &c., That if any officer, seaman, or marine, belonging to the Navy of the United States, shall die, or shall have died, since the eighteenth day of June, in the year of our Lord one thousand eight hundred and twelve, in consequence of disease contracted, or of casualties or injuries received, while in the line of his duty, and which shall be satisfactorily proved to the Commissioners of the Navy Pension Fund, leaving a widow, or, if no widow, a child or children, under sixteen years of age, such widow, or, if

no widow, such child or children, shall be entitled to receive half the monthly pay to which the deceased was entitled at the time of his death, which allowance shall continue for the term of five years; but in case of the death or intermarriage of such widow, before the expiration of the said term of five years, the half pay, for the remainder of the term, shall go to the child or children of the deceased: *Provided*, That such half-pay shall cease on the death of such child or children. And the money required for this purpose shall be paid out of the Navy Pension Fund, under the direction of the Commissioners of that fund.

Approved, March 3, 1817.

An Act to set apart and dispose of certain public lands, for the encouragement of the cultivation of the vine and olive.

Be it enacted, &c., That it shall be the duty of the Secretary of the Treasury, under the direction of the President of the United States, to designate, and set apart, any four contiguous townships, each six miles square, of vacant public lands, lying in that part of the Mississippi Territory which was formed into a land district, by the act, entitled "An act for the ascertaining and surveying of the boundary lines fixed by the treaty with the Creek Indians, and for other purposes," passed on the third day of March, one thousand eight hundred and fifteen; and the four townships, so designated and set apart, shall be reserved from public and private sale, anything in the aforesaid act to the contrary notwithstanding.

Sec. 2. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized to contract for the sale of the said four townships, which shall have been designated and set apart, as aforesaid, at the rate of two dollars per acre, to be made payable fourteen years after the contract shall have been concluded with any agent, or agents, of the late emigrants from France, who have associated together for the purpose of forming a settlement in the United States: *Provided*, That satisfactory evidence shall be produced that such agent, or agents, are duly authorized to form such contract, and that the number of such emigrants, being of full age, for which he or they are authorized to act, are equal at least to the number of half sections contained in the four townships proposed to be disposed of.

Sec. 3. *And be it further enacted*, That the said Secretary shall have power to make such allotment of the lands among the individuals, and to stipulate, in the proposed contract, for such conditions of settlement and cultivation of the vine, and other vegetable productions, as may to him appear reasonable; and that on the fulfilment of such conditions shall the issuing of grants, for the lands, be made to depend: *Provided*, That no patent shall be granted for any of the lands aforesaid, nor shall any title be obtained therefor, either at law or in equity, until complete payment shall have been made for the whole four townships, and until they comply with the conditions of the contract, so to be made as aforesaid; nor shall a patent be granted for a greater quantity than six hundred and forty acres to any one person.

Approved, March 3, 1817.

An Act to authorize the appointment of a Surveyor for the public lands in the northern part of the Mississippi Territory, and the sale of certain lands therein described.

Be it enacted, &c., That a surveyor of the lands of the United States, in the Mississippi Territory, lying north of an east and west line, to be drawn from the river Mississippi, through Fort Williams, to the western boundary line of the State of Georgia, shall be appointed, whose duty it shall be to engage a sufficient number of skilful surveyors as his deputies, and to cause the lands abovementioned, which have not already been surveyed, and to which the Indian title has been extinguished, to be surveyed and divided in the manner provided by law for the surveying of the other public lands of the United States in the Mississippi Territory, to do and perform all such acts in relation to the said lands, to transmit plats of survey in the manner, and to fix the compensation of the deputy surveyor, chain-carriers, and axe men, under the same restrictions and limitations of expense in surveying, as is by law directed and provided for the regulation of the powers and duties of the surveyor of the lands south of the State of Tennessee, in relation to the other public lands in the Mississippi Territory. And the said surveyor, appointed in pursuance of this act, shall be entitled to receive, for his services, one thousand five hundred dollars, as an annual compensation.

Sec. 2. *And be it further enacted*, That all the lands of the United States in the Mississippi Territory, to which the Indian title has been extinguished, lying north of the aforesaid east and west line, and which has not heretofore been offered for sale, shall be attached to, and made a part of, the land district of Madison, in the said Territory.

Sec. 3. *And be it further enacted*, That all the lands, by this act attached to the district of Madison, after having been surveyed according to law, shall, with the exception of the section No. 16, in each township, which shall be reserved for the support of schools therein, and with the further exception of such sections, not exceeding ten in number, as the President shall designate, for the purpose of laying out and establishing towns thereon, be offered for sale to the highest bidder, under the direction of the register of the land office, and the receiver of public moneys, at the place where the land office is kept, and on such day, or days, as shall, by proclamation of the President of the United States, be designated for that purpose; the sales shall remain open two weeks, and no longer. The lands shall not be sold for less than two dollars an acre, and shall

in every other respect be sold in tracts of the same size, and on the same terms, and conditions, as have been, or may be, provided for lands sold in the same district. All the lands offered for sale, and remaining unsold at the close of the said public sales, may be disposed of at private sale by the register of the land office, in the same manner, for the same price, and on the same terms, and conditions, as are, or may be, provided for the sale of other lands in the same district, and patents shall be granted in the same manner, and on the same terms, as for other lands in the said district.

Sec. 4. *And be it further enacted*, That the register and receiver of public moneys shall each receive five dollars, for each day's attendance in directing the public sales, directed by this act.

Sec. 5. *And be it further enacted*, That the President of the United States be, and he hereby is, authorized to cause the sections, reserved as aforesaid, for establishing towns thereon, to be laid off into lots, under the direction of the surveyor appointed as aforesaid; and when the survey of the lots shall be completed, plats thereof shall be transmitted to the Commissioner of the General Land Office, and the Register of the Land Office, and the lots shall be offered, to the highest bidder, at public sale, on such day or days as the President shall, by his proclamation, designate for that purpose, and shall be sold on the same terms and conditions, in every respect (except as to the quantity of land) as have or may be provided for the sale of the other public lands in the said district: *Provided*, That no lot shall be sold for a less price than at the rate of six dollars per acre; nor shall there be reserved for the purpose aforesaid more than one section in any one township.

Approved, March 3, 1817.

An Act to provide for reports of the decisions of the Supreme Court.

Be it enacted, &c., That the reporter who shall, from time to time, be appointed by the Supreme Court of the United States, to report its decisions, shall be entitled to receive, from the Treasury of the United States, as annual compensation for his services, the sum of one thousand dollars: *Provided, nevertheless*, The said compensation shall not be paid unless the said reporter shall print and publish, or cause to be printed and published, the decisions of the said court, made during the time he shall act as such reporter, within six months after such decisions shall be made, and shall deliver eighty copies of the decisions, so printed and published, to the Secretary of State, without any expense to the United States, and which copies shall be distributed as follows, to wit: to the President of the United States, the Judges of the Supreme Court, and the Judges of the District Courts, the Attorney General of the United States, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Comptroller of the Treasury, the Postmaster General, the Commissioner of the Revenue, the Commissioner of the General Land Office, the Judges of the several Territories of the United States, the Secretary of the Senate, the Clerk of the House of Representatives, the Auditor of the Treasury, the Register of the Treasury, the Treasurer of the United States, the Paymaster General, the Accountants of the War and Navy Departments, and to the Commissioners of the Navy, one copy each; and the residue of said copies shall be deposited in, and become part of, the Library of Congress.

Sec. 2. *And be it further enacted*, That, in case of the death, resignation, or dismission from office, of either of the officers beforementioned, the said copies of the decisions, delivered to them as aforesaid, shall belong to, and be delivered up to, their respective successors in the said offices.

Sec. 3. *And be it further enacted*, That this act shall be, and continue, in force for three years, and no longer.

Approved, March 3, 1817.

An Act concerning Invalid Pensioners.

Be it enacted, &c., That the Secretary of War be, and he is hereby, directed to place the following named persons on the pension list of invalid pensioners of the United States, who shall be entitled to, and receive, pensions according to the rates, and commencing at the times, hereinafter mentioned, that is to say:

Johnson Cook, at the rate of four dollars per month, to commence on the twenty-seventh of November, one thousand eight hundred and sixteen.

Joseph Wilkinson, at the rate of eight dollars per month, to commence on the twenty-third of December, one thousand eight hundred and sixteen.

William Maxwell, at the rate of four dollars per month, to commence on the eighth of October, one thousand eight hundred and sixteen.

Elihu Lester, at the rate of eight dollars per month, to commence on the fifth of November, one thousand eight hundred and sixteen.

Daniel Collomy, at the rate of four dollars per month, to commence on the first of August, one thousand eight hundred and sixteen.

Benjamin Haile, at the rate of four dollars per month, to commence on the fifth of December, one thousand eight hundred and fifteen.

John Haney, at the rate of four dollars per month, to commence on the fifteenth of October, one thousand eight hundred and sixteen.

Uriah Warren, at the rate of four dollars per month, to commence on the fifth of December, one thousand eight hundred and sixteen.

Jonathan D. Carrier, at the rate of four dollars per month, to commence on the twenty-eighth of February, one thousand eight hundred and sixteen.

John Myers, at the rate of five dollars thirty-three and a third cents per month, to commence on the fifteenth of November, one thousand eight hundred and sixteen.

James Newberry, at the rate of four dollars

per month, to commence the nineteenth of April, one thousand eight hundred and sixteen.

William Arnold, at the rate of four dollars per month, to commence on the twenty-third of October, one thousand eight hundred and sixteen.

R. J. Lowry, at the rate of eight dollars and fifty cents per month, to commence on the eleventh of February, one thousand eight hundred and sixteen.

Jesse McAnnally, at the rate of eight dollars per month, to commence on the eighteenth of July, one thousand eight hundred and fourteen.

Apheus Hill, at the rate of eight dollars per month, to commence on the first of January, one thousand eight hundred and sixteen.

Leroy Jones, at the rate of five dollars and thirty-two cents per month, to commence on the fifth of November, one thousand eight hundred and sixteen.

William Wilson, at the rate of four dollars per month, to commence on the fifth of November, one thousand eight hundred and sixteen.

John McClure, at the rate of four dollars per month, to commence on the tenth of September, one thousand eight hundred and sixteen.

Robert Warrel, at the rate of eight dollars per month, to commence on the ninth of September, one thousand eight hundred and sixteen.

William Carter, at the rate of five dollars thirty-three cents per month, to commence on the seventh of October, one thousand eight hundred and sixteen.

William English, at the rate of eight dollars per month, to commence on the ninth of September, one thousand eight hundred and sixteen.

Henry Doherty, at the rate of four dollars per month, to commence on the seventh of October, one thousand eight hundred and sixteen.

George Hendrick, at the rate of four dollars per month, to commence on the seventh of October, one thousand eight hundred and sixteen.

John Hinkson, at the rate of four dollars per month, to commence on the twentieth of September, one thousand eight hundred and sixteen.

Jeptha Brown, at the rate of four dollars per month, to commence on the fourteenth of December, one thousand eight hundred and sixteen.

John Miller, at the rate of eight dollars per month, to commence on the second of January, one thousand eight hundered and seventeen.

Aaron Stafford, at the rate of five dollars thirty-three cents per month, to commence on the eighth of January, one thousand eight hundred and seventeen.

Elias Ware, at the rate of four dollars per month, to commence on the sixteenth of January, one thousand eight hundred and seventeen.

Daniel Moffett, at the rate of four dollars per month, to commence on the twenty-fifth of August, one thousand eight hundred and fifteen.

Frederick P. Stevenson, at the rate of eight dollars and fifty cents per month, to commence on the sixth of January, one thousand eight hundred and seventeen.

Sion Holly, at the rate of five dollars and thirty-three cents per month, to commence on the twenty-eighth of February, one thousand eight hundred and sixteen.

Robert Lyon, at the rate of four dollars per month, to commence on the eighth of November, one thousand eight hundred and fifteen.

Henry Turner, at the rate of five dollars and thirty-three cents per month, to commence on the seventh of December, one thousand eight hundred and sixteen.

Mark Miller, at the rate of four dollars per month, to commence on the sixteenth day of December, one thousand eight hundred and fifteen.

George G. Gretten, at the rate of two dollars and sixty-six cents per month, to commence on the first day of February, one thousand eight hundred and seventeen.

Glover Baker, at the rate of two dollars per month, to commence on the twenty-ninth of October, one thousand eight hundred and sixteen.

Nathan Crosby, at the rate of four dollars per month, to commence on the fourteenth of February, one thousand eight hundred and seventeen.

James Heard, at the rate of eight dollars and fifty cents per month, to commence on the twentieth of February, one thousand eight hundred and seventeen.

Joshua Penny, at the rate of six dollars per month, to commence on the twentieth day of February, one thousand eight hundred and seventeen.

Enoch Barnum, at the rate of eight dollars per month, to commence on the first day of January, one thousand eight hundred and seventeen.

Malyne Baker, at the rate of four dollars per month, to commence on the first day of January, one thousand eight hundred and seventeen.

Reuben Thacker, at the rate of four dollars per month, to commence on the first day of January, one thousand eight hundred and seventeen.

Sec. 2. *And be it further enacted*, That the pensions of the following named persons, already placed on the pension list of the United States, be increased to the sums herein respectively annexed to their names; the said increase to commence at the times herein mentioned, and be in lieu of pensions they at present receive, that is to say:

Nicholas Welsh, at the rate of twenty-five dollars per month, to commence on the thirteenth day of June, one thousand eight hundred and fifteen.

George Shannon, at the rate of twelve dollars per month, commencing on the eleventh of September, one thousand eight hundred and sixteen.

Approved, March 3, 1817.

An Act to fix the Peace Establishment of the Marine Corps.

Be it enacted, &c., That the Peace Establishment of the Marine Corps shall consist of the following officers, non-commissioned officers, musicians, and privates, viz: one lieutenant colonel commandant, nine captains, twenty-four first lieutenants, sixteen second lieutenants, one adjutant and inspector, one paymaster, and one quar-

termaster, to be taken from the said captains and lieutenants, seventy-three corporals, forty-two drums and fifes, and seven hundred and fifty privates.

Sec. 2. *And be it further enacted*, That the President of the United States cause the provisions of this act to be carried into effect on the first day of April next, or as soon thereafter as circumstances will admit, and cause any supernumerary officers to be discharged from the service of the United States; and to all persons so discharged there shall be paid three months' additional pay.

Sec. 3. *And be it further enacted*, That the President of the United States may, in the recess of the Senate, appoint any of the officers authorized by this act, which appointments shall be submitted to the Senate, at their next session, for their advice and consent.

Approved, March 3, 1817.

An Act making an appropriation for opening and cutting out a road therein described.

Be it enacted, &c., That the sum of four thousand dollars be, and the same is hereby, appropriated, and payable out of any moneys in the Treasury not otherwise appropriated, for the purpose of opening and cutting out a road from Reynoldsburgh, on Tennessee river, in the State of Tennessee, through the Chickasaw nation, to intersect the Natchez road near the south end of the Chickasaw old town, agreeable to the survey and marked lines heretofore made by Messrs. Johnson and Dickson, commissioners, appointed by the President of the United States; and that the opening of said road shall be under the direction of the Secretary of War.

Approved, March 3, 1817.

An Act for the relief of certain Creek Indians.

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized to cause the sum of eighty-five thousand dollars to be paid to the friendly Creek Indians, whose property was destroyed by the hostile Creek Indians in the late war, in fair and just proportions to the losses which they have severally sustained from such Indians, which amount shall be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, March 3, 1817.

An Act to authorize the Secretary of the Treasury to cause repayments to be made of certain alien duties.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to cause to be repaid, or remitted, all alien or discriminating duties, either upon tonnage or merchandise imported, in respect to all British vessels which have been entered in ports of the United States at any time between the seventeenth of August, one thousand eight hundred and fifteen, and the twenty-second of December, in the same year, excepting only such duties as may have been paid or secured on the tonnage of ships, or upon the merchandise imported therein, which ships have been entered in the United States from a colony or district, into or with which vessels of the United States are not ordinarily permitted to enter and trade.

Approved, March 3, 1817.

An Act authorizing the payment of a sum of money to Nathaniel Seavey, and others.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and required to pay, out of any money in the Treasury not otherwise appropriated, the sum of three hundred dollars in equal proportions to Nathaniel Seavey, Richworth Mason, and Daniel Tobey, of the State of Massachusetts, their agent, or legal representatives; which sum of three hundred dollars is paid to them as an evidence entertained by Congress of their valor and good conduct, in having recaptured the schooner Pink, in the late war with Great Britain, and made prisoners of the prize crew of said schooner, consisting of three British seamen; which prisoners were delivered to the collector of Wiscasset in the District of Maine; and also as compensation for the prisoners so taken.

Approved, March 3, 1817.

An Act for the relief of the widow and children of Arnold Henry Dohrman, deceased.

Be it enacted, &c., That there be, and hereby is, granted to Rachel Dohrman, widow of Arnold Henry Dohrman, late of Steubenville, in the State of Ohio, deceased, the sum of three hundred dollars, annually, during her life, payable quarterly, from and after the thirty-first day of December, one thousand eight hundred and sixteen.

Sec. 2. *And be it further enacted*, That there be, and hereby is, granted to each of the minor children of the said Dohrman, until they shall respectively arrive at the age of twenty-one years, the sum of one hundred dollars, payable quarterly, from and after the thirty-first day of December, one thousand eight hundred and sixteen; the said grants to the said minor children shall be received and applied for their support and education, and shall be accounted for in conformity to the laws that now are, or hereafter may be, in force in the State of Ohio, providing for the management of the estates of orphans.

Sec. 3. *And be it further enacted*, That the grants herein made shall be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, March 3, 1817.

An Act for the relief of Asa Wells.

Be it enacted, &c., That there be paid to Asa Wells the sum of four hundred and eighty-eight dollars and ninety-five cents, on account of the costs incurred by him in the defence of suits brought against him for acts done in the dis-

charge of his duty as an officer of the United States, and that the same be paid to the said Asa Wells out of any money in the Treasury not otherwise appropriated.

Approved, March 3, 1817.

An Act authorizing the payment of a sum of money to Teakle Savage, and others.

Whereas, during the late war, Captain Teakle Savage did volunteer his services and the use of his boat to the officers commanding at Hampton, in Virginia, and did, with the assistance of some of the militia stationed at that place, and in company with the revenue cutter commanded by Captain Ham, capture one launch and two barges belonging to the enemy, and make prisoners of one lieutenant, one midshipman, one boatswain, and fifty-two privates and marines; which boats were valued, by officers appointed by General Wade Hampton, commander at Norfolk, at the sum of two thousand six hundred and forty-five dollars, which boats and prisoners were delivered to the proper authority of the United States:

Be it therefore enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and required, out of any money in the Treasury not otherwise appropriated, to pay to the said Teakle Savage, the officers and men of the militia who served with him, and to the officers and crew of the revenue cutter aforesaid, or to the agent of such persons, or their legal representative, where any of them should be dead, the sum of four thousand and twenty dollars, to be divided among the said officers and men, conformably to the principles of the laws relating to the division of prize money.

Sec. 2. *And be it further enacted*, That the Secretary of the Treasury is hereby authorized to appoint an agent to distribute the money aforesaid, in the manner herein directed, to the several persons authorized to receive the same, upon their producing to the said agent satisfactory evidence that they are entitled thereto.

Approved, March 3, 1817.

An Act to repeal so much of any acts now in force as authorizes a loan of money, or an issue of Treasury notes.

Be it enacted, &c., That so much of any act, or acts, of Congress as authorizes the President of the United States to borrow money on the credit of the United States, and to cause certificates of stock to be issued for money so borrowed, be, and the same is hereby, repealed: *Provided always*, That nothing in this act contained shall be construed to invalidate, or in any way affect, any securities or claims for money heretofore borrowed under the said act.

Sec. 2. *And be it further enacted*, That so much of any act, or acts, of Congress as authorizes the President of the United States to cause Treasury notes to be prepared, signed, and issued, be, and the same is hereby, repealed: *Provided, always*, That nothing in this act contained shall be construed to affect the rights of any persons who may be the holders of Treasury notes already issued.

Sec. 3. *And be it further enacted*, That so much of the act, entitled "An act to authorize the issuing of Treasury notes for the service of the year one thousand eight hundred and fifteen," as makes it lawful for the Secretary of the Treasury to cause the Treasury notes, in cases therein mentioned, to be reissued and applied anew to the same purposes, and in the same manner, as when originally issued, be, and the same is hereby, repealed.

Sec. 4. *And be it further enacted*, That all Treasury notes which are now, or shall hereafter become the property of the United States, (from reimbursement, purchase, exchange, or receipts, on account of taxes, duties, and demands,) shall be cancelled or destroyed at such times, and under such regulations and securities, as the Commissioners of the Sinking Fund, with the approbation of the President, shall establish and determine.

Approved, March 3, 1817.

An Act making additional appropriations to defray the expenses of the Army and Militia during the late war with Great Britain.

Be it enacted, &c., That, for defraying the expenses of the Military Establishment, and those incurred by calling out the militia during the late war with Great Britain, in addition to the sums heretofore appropriated by law for these objects, the following sums be, and the same are hereby, appropriated, viz:

For the pay of the army and militia, including the sum of three hundred thousand dollars, exclusive of interest, advanced by the State of Pennsylvania for defraying the expenses of the militia of said State, during the late war, seven hundred and thirty thousand dollars.

For subsistence, two hundred thousand dollars.

For the Quartermaster's department, four hundred and fifty thousand dollars.

For the Ordnance department, one hundred and forty-four thousand dollars.

For the payment of balances due to certain States, on account of disbursements for militia employed in the service of the United States, during the late war, seven hundred and seventeen thousand dollars.

For paying the expenses incurred in ascertaining and surveying the boundary lines established by the treaty lately made with the Creek Indians, fifteen thousand dollars.

Sec. 2. *And be it further enacted*, That the several sums, hereby appropriated, be paid out of any money in the Treasury not otherwise appropriated.

Approved, March 3, 1817.

An Act to provide for the redemption of the Public Debt.

Be it enacted, &c., That so much of any act or acts of Congress, as makes appropriations for

the purchase or reimbursement of the principal, or for the payment of the interest, of the funded debt of the United States be, and the same is hereby, repealed.

Sec. 2. *And be it further enacted*, That from the proceeds of the duties on merchandise imported, and on the tonnage of vessels, and from the proceeds of the internal duties, and of the sales of Western lands, now belonging, or which may hereafter belong, to the United States, the annual sum of ten millions of dollars be, and the same is yearly, appropriated to the Sinking Fund; and the said sum is hereby declared to be vested in the Commissioners of the Sinking Fund, in the same manner as the moneys heretofore appropriated to the said fund, to be applied by the said Commissioners to the payment of interest and charges, and to the reimbursement or purchase of the principal of the public debt; and it shall be the duty of the Secretary of the Treasury annually to cause to be paid to the Commissioners of the Sinking Fund, the said sum of ten millions of dollars, in such payments, and at such times in each year, as the situation of the Treasury will best admit: *Provided*, That all such payments as may be necessary to enable the said Commissioners to discharge or reimburse any demands against the United States, on account of the principal or interest of the debt which shall be actually due in conformity to the engagements of the said United States, shall be made at such times in each year as will enable the said Commissioners faithfully and punctually to comply with such engagements: *Provided, also*, That any money which may have been paid, before the passage of this act, to the Commissioners of the Sinking Fund for the year one thousand eight hundred and seventeen, as a part of the annual appropriation heretofore made by law to that fund, shall be held to be a payment for the year one thousand eight hundred and seventeen, on account of the appropriation of ten millions hereinbefore directed.

Sec. 3. *And be it further enacted*, That in addition to the sum of ten millions of dollars, hereinbefore annually appropriated to the Sinking Fund, there shall be appropriated for the year one thousand eight hundred and seventeen, to the Sinking Fund, the further sum of nine millions of dollars, to be paid out of any moneys in the Treasury not otherwise appropriated, at such time within the year as the Secretary of the Treasury shall deem most conducive to the public interest, to be applied by the Commissioners of the Sinking Fund to the purchase or redemption of the public debt; and it shall be lawful for the Secretary of the Treasury, at any time during the year one thousand eight hundred and seventeen, if he shall deem it expedient to do so, to cause to be paid to the Commissioners of the Sinking Fund a further sum, not exceeding four millions of dollars, which shall be considered as an advance to that amount, on the appropriation of ten millions, payable in the next year, and the said amount shall also be applied by the said Commissioners to the purchase or redemption of the public debt, and the Commissioners aforesaid are authorized and directed to apply the sums by this act appropriated to the purchase and redemption of the public debt, holden by the Bank of the United States, if not otherwise to be obtained on the terms stated in this act.

Sec. 4. *And be it further enacted*, That after the year one thousand eight hundred and seventeen, whenever there shall be, at any time after an adjournment of Congress, in any year, a surplus of money in the Treasury, above the sums appropriated for the service of such year, the payment of which to the Commissioners of the Sinking Fund, will yet leave in the Treasury, at the end of the year, a balance equal to two millions of dollars, then such surplus shall be, and the same is hereby, appropriated to the Sinking Fund, to be paid at such times as the situation of the Treasury will best permit; and shall be applied, by the Commissioners thereof, to the purchase or redemption of the public debt.

Sec. 5. *And be it further enacted*, That whenever, in any year, there shall be a surplus in the Sinking Fund, beyond the amount of interest and principal, which may be actually due and payable by the United States, in such year, in conformity with their engagements, the Commissioners of the Sinking Fund shall be, and they are hereby, authorized, with the approbation of the President of the United States, to purchase the debt of the United States at its market price, if such price shall not exceed the following rates, viz: for stock of the United States, bearing an interest of three per centum, there shall not be paid more than sixty-five dollars for every hundred dollars of the principal thereof; for stock bearing an annual interest of six per centum per annum, there shall not be paid more than the par or true value thereof; and for stock bearing an annual interest of seven per centum, there shall not be paid an advance above the par value thereof, which shall exceed, for every hundred dollars of stock, the computed value of an annuity of one dollar for a number of years, equal to that during which the stock so purchased will not be reimbursable at the pleasure of Government, estimating, in such computation, the interest of money at six per centum per annum.

Sec. 6. *And be it further enacted*, That all certificates of public debt which, by payment or purchase, have become, or hereafter shall become, the property of the United States, shall be cancelled or destroyed, at such times, and under such regulations and securities, as the Commissioners of the Sinking Fund, with the approbation of the President, shall establish and determine. And no interest shall be considered as accruing, and no payment shall be made, on account of such debt, the certificates of which have been so cancelled and destroyed.

Sec. 7. *And be it further enacted*, That nothing in this act contained, shall be construed to prevent the Congress of the United States, if war shall occur with any foreign Power, from applying, to any object of public service, any surplus of the amount herein appropriated to the Sinking

Fund, which may be left in any year after paying the interest and principal which may be actually due and payable by the United States, in conformity with their engagements. Nor shall anything in this act be construed to repeal, alter, or affect any of the provisions of any former act, pledging the faith of the United States to the payment of the interest or principal of the public debt, but all such payments shall continue to be made at the time heretofore prescribed by law, excepting only as before provided, and no payments shall be made on certificates which have become the property of the United States.

Approved, March 3, 1817.

An Act making provision for the location of the lands reserved by the first article of the treaty of the 9th of August, one thousand eight hundred and fourteen, between the United States and the Creek nation, to certain chiefs and warriors of that nation, and for other purposes.

Be it enacted, &c., That the chiefs and warriors of the Creek nation who, by virtue of the first article of the treaty of the ninth of August, one thousand eight hundred and fourteen, between the United States and that nation of Indians, are entitled to a reservation of land, which shall include their improvements, shall be authorized to locate said reservation in the following manner, viz:

Every such chief or warrior shall and may select such four quarter sections, or such number of quarter sections and fractional parts of sections, not exceeding six hundred and forty acres of land, as have been or may be surveyed, in pursuance of the act of Congress, passed the third day of March, one thousand eight hundred and fifteen, and as shall include their respective improvements. And in case such chief or warrior shall have resided at one place, and cultivated a farm or plantation at another place, he may, at his option, select such quarter sections and fractional parts of sections, as shall include his said separate improvements: *Provided, however*, That the lands so selected shall enure to such chief or warrior, so long only as he shall continue to occupy and cultivate the same; and, in case he shall not have abandoned the possession, shall, on his decease, descend to and vest in his heirs in fee simple, reserving to the widow of such chief or warrior the use and occupation of one-third part of said lands, during her natural life.

Sec. 2. *And be it further enacted*, That when any chief or warrior, so entitled to a reservation of land at the time of the signing of the treaty, shall have since died, and left a widow and child or children, who has or have continued to occupy and cultivate the said land, they shall have the right of selection in the same manner as the original claimant would have, if he were living; and the title of the lands, so selected, shall be a fee simple title in the child or children, reserving to the widow, if any, the use and occupation of one-third of the land during her life: *Provided, however*, That the said child or children shall not have the power to alienate the said lands, except by devise, until each and every one of them shall have arrived at the age of twenty-five years.

Sec. 3. *And be it further enacted*, That the descendant of any native Creek Indian, male or female, who, at the commencement of the late war with the hostile Creeks, occupied and cultivated a farm or plantation; who continued friendly to the United States during that war; and who, after the termination of hostilities, returned to, and has continued to occupy and cultivate, the said farm or plantation, shall be entitled to a reservation of two quarter sections of land, to be selected in the manner stated in the first section of this act, which land shall enure to them so long as they thall continue to occupy and cultivate the same; and, on their death shall descend, in fee, to their children; and on failure of children, shall revert to the United States, reserving, however, to the husband or widow, as the case may be, the right to occupy and cultivate one-third part of the lands during their natural lives.

Sec. 4. *And be it further enacted*, That the child or children of any chief or warrior of the Creek nation, who resided within the limits of the said ceded country, at the commencement of the late Creek war, and who was killed or died in the service of the United States, during said war, or who has since died of wounds received therein, shall be entitled, without payment, to a reservation of so much land as such chief or warrior would have been entitled to, had he been living at the time said treaty was signed; which land shall be located in the manner prescribed by the first section of this act.

Sec. 5. *And be it further enacted*, That, for the purpose of carrying into effect the provisions of this act, the agent of the United States for the Creek nation shall immediatey proceed to take such evidence as each and every person, who may be entitled to lands under the provisions of it, shall be able to adduce in support of such title. The evidence shall, as far as practicable, be taken by the agent on the land occupied by such claimant; and in all cases where he shall be of opinion that the claim is a valid one, the quarter sections, including the improvements, shall be designated as provided for in the first section of this act; and the agent shall, without delay, return to the Secretary of the Treasury the evidence taken in each case, reserving a copy thereof, together with the names of the claimants, and the numbers of the quarter sections reserved for them, respectively. And the Secretary of the Treasury, with the approbation of the President, shall finally decide on the validity of such claim.

Sec. 6. *And be it further enacted*, That the agents shall transmit, without delay, to the register of the land office for the district in which the lands may be, a statement of the names of the claimants, and the numbers of the quarter sections which have been reserved for each claimant; and the register of the land office shall not offer any such quarter section for sale, unless

especially directed otherwise by the Secretary of the Treasury.

Sec. 7. *And be it further enacted*, That the agent of the United States shall be allowed, in addition to his salary, the sum of three dollars per day, whilst occupied in performing the duties assigned to him by this act; and he shall be authorized to employ a surveyor, in those cases where it may be necessary, for the purpose of ascertaining the quarter sections of the land to be allotted to each claimant.

Sec. 8. *And be it further enacted*, That the expenses which shall be incurred in carrying into effect this act, shall be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, March 3, 1817.

An Act making appropriations for the support of the Navy of the United States, for the year one thousand eight hundred and seventeen.

Be it enacted, &c., That, for defraying the expenses of the Navy, for the year one thousand eight hundred and seventeen, the following sums be, and they are hereby, respectively, appropriated, that is to say:

For pay and subsistence of the officers, and pay of seamen, one million ninety-two thousand seven hundred and thirty-two dollars.

For provisions, four hundred and ninety-six thousand seven hundred and sixty-five dollars.

For medicine, hospital stores, and all expenses on account of sick, including those of the marine corps, ten thousand dollars.

For repairs of vessels, three hundred and twenty-five thousand dollars.

For ordnance, ammunition, and military stores, one hundred thousand dollars.

For the purchase of saltpetre and sulphur, twenty thousand dollars.

For navy yards, docks, and wharves, one hundred and fifty thousand dollars.

For contingent expenses, including freight, transportation, and recruiting expenses, three hundred and fifty thousand dollars.

For expenses in procuring gold and silver medals and swords, in conformity with sundry resolutions of Congress, fifteen thousand dollars.

For pay and subsistence of the marine corps, one hundred and eighty-seven thousand three hundred and eight dollars.

For clothing for the same, thirty-four thousand one hundred and sixty-six dollars.

For military stores for the same, one thousand one hundred and eighty-eight dollars.

For contingent expenses for the same, fourteen thousand dollars.

Sec. 2. *And be it further enacted*, That the several appropriations, hereinbefore made, shall be paid out of any money in the Treasury not otherwise appropriated.

Approved, March 3, 1817.

An Act to provide for the punishment of crimes and offences committed within the Indian boundaries.

Be it enacted, &c., That if any Indian, or other person or persons, shall, within the United States, and within any town, district, or territory, belonging to any nation or nations, tribe or tribes, of Indians, commit any crime, offence, or misdemeanor, which, if committed in any place or district of country under the sole and exclusive jurisdiction of the United States, would, by the laws of the United States, be punished with death, or any other punishment, every such offender, on being thereof convicted, shall suffer the like punishment as is provided by the laws of the United States for the like offences, if committed within any place or district of country under the sole and exclusive jurisdiction of the United States.

Sec. 2. *And be it further enacted*, That the superior courts in each of the territorial districts, and the circuit courts and other courts of the United States, of similar jurisdiction in criminal causes, in each district of the United States, in which any offender against this act shall be first apprehended or brought for trial, shall have, and are hereby invested with, full power and authority to hear, try, and punish, all crimes, offences, and misdemeanors, against this act; such courts proceeding therein in the same manner as if such crimes, offences, and misdemeanors, had been committed within the bounds of their respective districts: *Provided*, That nothing in this act shall be so construed as to affect any treaty now in force between the United States and any Indian nation, or to extend to any offence committed by one Indian against another, within any Indian boundary.

Sec. 3. *And be it further enacted*, That the President of the United States, and the Governor of each of the territorial districts where any offender against this act shall be apprehended or brought for trial, shall have, and exercise, the same powers, for the punishment of offences against this act, as they can severally have and exercise by virtue of the fourteenth and fifteenth sections of an act, entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," passed thirtieth March, one thousand eight hundred and two, and for the punishment of offences therein described.

Approved March 3, 1817.

An Act to incorporate the subscribers to certain banks in the District of Columbia, and to prevent the circulation of the notes of unincorporated associations within the said District.

Be it enacted, &c., That, from and after the passage of this act, all those persons who shall hold any share of the joint stock, or funds, created in pursuance of certain articles of association, made and entered into on the first Monday in February, in the year eighteen hundred and fourteen, between sundry persons forming a company or limited partnership, under the name and style of the President and Directors of the Farmers and Mechanics' Bank of Georgetown, and their successors, being stockholders as aforesaid, shall be, and they are hereby, incorporated, and

made a body corporate and politic, by the name and style of the "Farmers and Mechanics' Bank of Georgetown;" and as such shall continue until the first day of January, one thousand eight hundred and twenty-two, and by that name may sue and be sued, implead and be impleaded, answer and be answered, defend and be defended in courts of record, and any other place whatsoever; and by that name may have and hold, purchase, receive, possess, enjoy, and retain, lands, rents, tenements, hereditaments, goods, chattels, and effects, of what nature, kind, or quality soever, and the same may sell, grant, demise, alien, and dispose of, and by that name shall have, during the continuance of this act, succession, and may make, have, and use, a common seal, and the same may break, alter, and renew at pleasure; and shall have power to ordain, establish, and put in execution, such by-laws, ordinances, and regulations, as shall seem necessary and convenient for the government of said corporation, not being contrary to law, nor the Constitution thereof; and generally to do and execute all acts necessary or proper for the objects of said incorporation; subject to the rules, regulations, restrictions, limitations, and provisions, herein described and declared.

Sec. 2. *And be it further enacted*, That the capital stock of the said bank shall consist of five hundred thousand dollars, money of the United States, to be divided into shares of twenty-five dollars each.

Sec. 3. *And be it further enacted*, That the said bank shall transact its business in Georgetown.

Sec. 4. *And be it further enacted*, That the affairs of the said bank shall be conducted by twelve directors and a president, whose place, if chosen from among their number, shall be supplied by that body. Six of the directors, with the president, shall form a board or quorum for transacting all the business of the company; but the ordinary discounts may be done by the president and three directors. In case of his sickness or necessary absence, his place may be supplied by any director whom he, by writing under his hand, may nominate for that purpose; or, in case of his not making such nomination, the board may appoint a president to act during his absence. The president and directors who may be in office under the said articles of association at the time of the passage of this act, shall continue in office under and by virtue of this act of incorporation, until others shall be duly chosen in their stead. No person shall be a director, or president, who is not a citizen of the United States and a stockholder; and a director, ceasing to be a stockholder, shall cease to be a director; and no person, a director of another bank, shall be a director of this bank. Every stockholder, being a citizen of the United States, shall be entitled to vote, by himself, his agent, or proxy, appointed under his hand and seal, at all elections in virtue of this act; and shall have as many votes as he shall have shares, as far as thirty shares; and, from thirty to sixty, one vote for every two shares; and one vote for every five shares thereafter. No person, who is not a citizen of the United States, shall be entitled to vote in any election of this corporation: *Provided, nevertheless*, That this section may, at any time hereafter, be altered or amended by Congress, in such manner as they may see fit, so as to provide for an annual rotation of directors.

Sec. 5. *And be it further enacted*, That a general meeting of stockholders of the said bank shall be holden on the first Monday of July, in the year eighteen hundred and seventeen, and on the first Monday of July in every year thereafter, at such place as the president and directors may appoint, by giving four weeks notice in two or more of the newspapers of the District, for the purpose of electing directors for the ensuing year, who shall meet on the day succeeding their election, and shall immediately proceed to choose a president; and the president and directors, for the time being, shall continue in office until others shall be duly elected in their places, and be organized, by the assembling of a quorum, and the choice of a president. At all elections the persons having the greatest number of votes shall be deemed to be chosen. All elections shall be held under the superintendence of the president of the board for the time being, and four stockholders, not being at the time directors, appointed by the board of directors, any three of whom shall be the judges thereof. They shall immediately thereafter notify the persons elected to meet the ensuing day at the bank, and shall make a return of persons elected at their first meeting. Should two or more persons have the same number of votes, the other individuals elected directors shall determine by ballot, from among said persons, who shall be the director or directors. All elections shall be opened at ten o'clock in the forenoon, and close at three in the afternoon.

Sec. 6. *And be it further enacted*, That the president and directors shall have full power to make, revise, alter, and annul, all such rules, orders, by-laws, and regulations, for the government of said corporation, and that of its officers, servants, and affairs, as they shall from time to time think expedient; and to use, employ, and dispose of the capital stock, funds, and property of said bank, for the interest and benefit of the stockholders, subject only to the restrictions herein contained; but the said bank shall not take for discounting any bill or note, more than at the rate of six per centum per annum, upon the amount due by such bill or note.

Sec. 7. *And be it further enacted*, That all promissory notes, bills of exchange, drafts, checks, and receipts, for the payment of money, made on behalf of said bank, signed by the president, and countersigned and attested by the cashier, shall be obligatory on the said body corporate, and shall possess the like qualities as to negotiability, and the holders thereof shall have the like actions thereupon, as if such promissory notes, bills of exchange, drafts, checks, or receipts, had been made by, or on behalf of, a natural person.

Sec. 8. *And be it further enacted*, That the books, papers, correspondence, and funds of the

bank shall, at all times, be subject to the inspection of the directors.

Sec. 9. *And be it further enacted*, That the president and directors shall have power to appoint a cashier, and all other officers and servants, for executing the business of said bank, and to establish the compensation to be made to the president, and all other officers or servants of the said bank, respectively, but no compensation shall be given to a director for his services, except by a vote of the stockholders in a general meeting.

Sec. 10. *And be it further enacted*, That the president and directors shall have power to call a general meeting of the stockholders, for purposes concerning the interest of the bank, giving at least six weeks' notice in one or more of the newspapers of the District, specifying in such notice the object or objects of such meeting.

Sec. 11. *And be it further enacted*, That the shares of the capital stock at any time owned by an individual stockholder, shall be transferrable only on the books of the bank, according to such rules as may, conformably to law, be established in that behalf by the president and directors; but all debts actually due and payable to the bank (days of grace for payment being passed) by a stockholder requesting a transfer, must be satisfied before such a transfer shall be made, until the president and directors shall direct to the contrary.

Sec. 12. *And be it further enacted*, That the dividends of the profits of the company, or so much of said profits as shall be deemed expedient and proper, shall be declared half yearly in the first week in July and January, in each year; the amount of said dividend shall, from time to time, be determined by the president and directors, and shall in no case exceed the amount of the net profits actually acquired by the company, so that the capital stock of said company shall never be impaired by dividends.

Sec. 13. *And be it further enacted*, That if the said directors shall, at any time, wilfully and knowingly make or declare any dividend which shall impair the said capital stock, all the directors present at the making or declaring of said dividend, and consenting thereto, shall be liable, in their individual capacities, to the company for the amount or proportion of said capital stock so divided by the said directors; and each director, who shall be present at the making or declaring of such dividend, shall be deemed to have consented thereto, unless he shall immediately enter, in writing, his dissent on the minutes of the proceedings of the board, and give notice thereof to the Secretary of the Treasury of the United States.

Sec. 14. *And be it further enacted*, That the bank shall, in no case, buy and sell the funded debt of the United States, or of any State, or be owners of any ships or vessels, or directly or indirectly be concerned in trade, or the importation, purchase or sale of any goods, wares, or merchandise whatever, except bills of exchange, or bullion, and such ships, vessels, goods, wares, or merchandise, as shall be truly pledged to them by way of security, for debts due, owing, or growing due to the said bank, or purchased by it to secure such debts: *Provided, nevertheless*, That the said bank may sell and dispose of either the whole or any part of the funded debt of the United States, which it now holds.

Sec. 15. *And be it further enacted*, That the said bank shall not purchase or hold lands, tenements, or other real estate, other than what may be necessary for the convenient transaction of its business, unless such lands, tenements, and real estates, shall have been bona fide mortgaged to the bank by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of dealings, or purchased to secure debts contracted with, or due to, the bank; and in every instance in which the bank may become the owners or claimants of lands, tenements, or real estates, the president and directors are empowered to sell or dispose of the same, in such manner as they may deem beneficial for the said bank.

Sec. 16. *And be it further enacted*, That if any vacancies shall, at any time, happen among the directors, by death, resignation, or otherwise, the rest of the directors, for the time being, shall elect a director to fill the vacancy.

Sec. 17. *And be it further enacted*, That if any number of stockholders, not less than twenty, who shall be proprietors of not less than four thousand shares, may, for any purposes relative to the institution, at any time, apply to the president and directors to call a general meeting of the stockholders; and if by them refused, the said number of stockholders, proprietors of not less than the number of shares aforesaid, shall have power to call a general meeting of the stockholders, giving at least sixty days notice in two or more of the public newspapers of the District, specifying in such notice the object or objects of such call.

Sec. 18. *And be it further enacted*, That in case it should at any time happen that an election of directors should not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day to hold and make an election of directors, at a meeting to be called in such manner as shall be prescribed by the laws and ordinances of said corporation.

Sec. 19. *And be it further enacted*, That it shall be the duty of the president and directors of the said bank to exhibit, on the first Monday in January in each year, or oftener if required, a statement of the debts, credits, and funds of the bank, to the Secretary of the Treasury of the United States, whose duty it shall also be to state to Congress, immediately thereafter, his opinion as to the solidity of said bank, and the causes of danger, if any, arising from the improper management thereof.

Sec. 20. *And be it further enacted*, That if the said bank shall at any time refuse to pay, on demand, any bill, note, or obligation issued by said bank, in lawful currency of the United States, if required, or shall neglect or refuse to pay on de-

mand in like currency, if required, any moneys received by said bank on deposite, to the person or persons entitled to receive the same, then and in such case the holder of any such note, bill, or obligation, or the person or persons to demand and receive such deposite as aforesaid, shall respectively be entitled to receive and recover interest on the same at the rate of ten per centum per annum, from the time of demand until the same be fully paid and satisfied. *And further,* It shall be lawful for Congress forthwith to revoke and declare this charter null and void.

SEC. 21. *And be it further enacted,* That unless the president and directors, for the time being, of the said bank, on the part of the stockholders, file their declaration in writing in the office of the Secretary of the Treasury, within thirty days from the time of passing this act, assenting to and accepting the charter granted by this act, upon the terms and conditions herein expressed, this act shall have no force or effect, and the charter hereby granted shall be void.

SEC. 22. *And be it further enacted,* That if the whole amount of the capital aforesaid of said bank, shall not have been paid in, on or before the first day of January, in the year one thousand eight hundred and nineteen, then the capital stock shall be limited to the sum which shall at that time be paid in, and the books of subscription be thenceforth closed immediately, after which it shall be the duty of the president and directors to certify to the Secretary of the Treasury the whole amount of the capital of said bank so paid in.

SEC. 23. *And be it further enacted,* That all those persons, their legal representatives and assigns, who have heretofore subscribed certain articles of association, and formed a company or limited partnership, under the name and style of the president and directors of the "Central Bank of Georgetown and Washington," and their successors, shall be, and are hereby, incorporated with the like capital, and limitation thereof, and with the like number of directors, and time and manner of electing them, and a president, as is hereinbefore provided in relation to the Farmers and Mechanics' Bank of Georgetown; and with only the difference herein specially provided and set forth, the said Central Bank of Georgetown and Washington, and the president and directors thereof, shall be subject to the rules, duties, regulations, conditions, and impositions, and be vested with the like rights, privileges, and immunities, as a body corporate, as appertain to the said Farmers and Mechanics' Bank of Georgetown, and as if all the general provisions of this act were herein again repeated and enacted, with express reference to the said Central Bank of Georgetown and Washington.

SEC. 24. *And be it further enacted,* That all those persons, their legal representatives and assigns, who have heretefore subscribed certain articles of association, and formed a company, or limited partnership, under the name and style of the "President and Directors of the Bank of the Metropolis," and their successors shall be, and are hereby, incorporated, with the like capital and limitation thereof, with the like number of directors, and time and manner of electing them, and a president, as is hereinbefore provided in relation to the Farmers and Mechanics' Bank of Georgetown; and with only the difference herein specially provided and set forth, the said Bank of the Metropolis, and the president and directors thereof, shall be subject to the like rules, duties, regulations, conditions, and impositions, and be vested with the like rights, privileges, and immunities, as a body corporate, as appertains to the Farmers and Mechanics' Bank of Georgetown, and as if all the general provisions of this act were herein again repeated and enacted with express reference to the said Bank of the Metropolis.

SEC. 25. *And be it further enacted,* That all those persons, their legal representatives and assigns, who have heretofore subscribed certain articles of association, and formed a limited copartnership, under the name and style of the "Patriotic Bank of Washington," and their successors, shall be, and are hereby, incorporated, with the like capital and limitation thereof, the like number of directors, and time and manner of electing them, and a president, as is hereinbefore provided in relation to the Farmers and Mechanics' Bank of Georgetown; and with only the difference herein specially provided and set forth, the said Patriotic Bank of Washington, and the president and directors thereof, shall be subject to the rules, duties, regulations, conditions and impositions, and be vested with the like rights, privileges and immunities, as a body corporate, as appertain to the Farmers and Mechanics' Bank of Georgetown, and as if all the general provisions of this act were herein again repeated and enacted, with express reference to the said Patriotic Bank of Washington.

SEC. 26. *And be it further enacted,* That all those persons, their legal representatives and assigns, who have heretofore subscribed certain articles of association, and formed a company or limited partnership, under the name and style of the "President and Directors of the Real Estate Bank of the United States," and their successors, shall be, and are hereby, incorporated, under the name and style of the "Franklin Bank of Alexandria," with the like capital and limitation thereof, with the like number of directors, and time and manner of electing them, and a president, as is hereinbefore provided in relation to the Farmers and Mechanics' Bank of Georgetown; and with only the difference herein specially provided and set forth, the said Franklin Bank of Alexandria, and president and directors thereof, shall be subject to the rules, duties, regulations, conditions and impositions, and be vested with the like rights, privileges and immunities, as a body corporate, as appertain to the Farmers and Mechanics' Bank of Georgetown, and as if all the general provisions of this act were herein again repeated and enacted, with express reference to the said Franklin Bank of Alexandria.

SEC. 27. *And be it further enacted,* That all those persons, their legal representatives and as-

signs, who have heretofore subscribed certain articles of association, and formed a company or limited partnership, under the name and style of the "Union Bank of Alexandria," and their successors, shall be, and are hereby, incorporated, with the like capital and limitation thereof, the like number of directors, and time and manner of electing them, and a president, as is hereinbefore provided in relation to the Farmers and Mechanics' Bank of Georgetown; and with only the difference herein specially provided and set forth, the said Union Bank of Alexandria, and the president and directors thereof, shall be subject to the duties, rules, regulations, conditions and impositions, and be vested with the like rights, privileges, and immunities, as a body corporate, as appertain to the Farmers and Mechanics' Bank of Georgetown, and as if all the general provisions of this act were herein again repeated and enacted, with express reference to the said Union Bank of Alexandria.

Sec. 28. *And be it further enacted*, That nothing in this act contained shall be construed to exonerate or discharge any member of any of the aforesaid associations, or the funds thereof, from any liability to creditors under any existing contract, or on account of any note, bill, or obligation, issued or in existence when this act shall take effect, but such liability shall remain in relation to all such notes, bill, obligations, or contracts, as if this act had not been passed.

Sec. 29. *And be it further enacted*, That, from and after the fourth day of April next, it shall not be lawful for any unchartered banking company, or any association, partnership, or company of individuals, within the District of Columbia, to discount any notes, or other securities, for the payment of money, or to issue notes or bills, whether payable to order or bearer, or any other securities, promises, or orders, for the payment of money or stock; and every member, officer, or agent, of any such company, or associate or partner of any such association or partnership, shall be held to be guilty of a misdemeanor, and for every such offence, upon conviction thereof, may be fined in a sum not less than one hundred dollars, nor more than five hundred dollars.

Sec. 30. *And be it further enacted*, That whoever, as president, cashier, or agent, of any such company, or as associate or partner of any such association or partnership, shall, after the said fourth day of April next, sign, countersign, or endorse, any such note, bill, or security, contrary to the provisions of this act, shall, in addition to the aforesaid penalties, be held to be guilty of a high misdemeanor, and may be imprisoned for a period not less than three, nor more than twelve months, at the discretion of a jury.

Sec. 31. *And be it further enacted*, That all drafts, bills, or other securities, for the payment of money, discounted contrary to the provisions of this act, whether the same be payable to any such company, association or partnership, or to any person, as agent or trustee for such company, association or partnership, or for the benefit thereof, and all contracts, bonds, deeds, penal or single bills, or other instrument, given to reimburse or indemnify any person for any payment or responsibility incurred by such person for any debt contracted by any dealing, contrary to the true intent and meaning of this act, shall be, and the same are hereby declared to be, utterly void to all intents and purposes.

Sec. 32. *And be it further enacted*, That if any person, as president, cashier, teller, or other officer, or agent of any such banking company, or as associate or partner in any such association or partnership, shall, from and after the said fourth day of April next, issue or pass into circulation any such note, bill, draft, or other security, hereby prohibited to be issued, together with every person assenting thereto, shall be deemed and taken to have incurred the penalties of this act, notwithstanding the note, bill, or other security, so issued, may have been signed, countersigned, and endorsed, before the commencement of this act.

Approved, March 3, 1817.

An Act making further provision for repairing the public buildings, and improving the public square.

Be it enacted, &c., That, for the purpose of repairing the public buildings, a sum not exceeding one hundred thousand dollars be, and the same is hereby, appropriated, to be applied, by the Commissioner, under the direction of the President of the United States.

Sec. 2. *And be it further enacted*, That, for the purpose of completing the enclosure and improvement of the public square, near the Capitol, a sum not exceeding thirty-eight thousand six hundred and fifty-eight dollars be, and the same is hereby, appropriated, to be applied under the same direction as aforesaid.

Sec. 3. *And be it further enacted*, That the moneys so appropriated shall be paid out of any moneys in the Treasury not otherwise appropriated.

Sec. 4. *And be it further enacted*, That the Commissioner of the Public Buildings be authorized to extend the enclosure round the semi-circular area west of the Capitol.

Approved, March 3, 1817.

An Act supplementary to an act, entitled "An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments."

Be it enacted, &c., That nothing contained in the act of the third of March, one thousand eight hundred and nine, entitled "An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments," shall be construed to authorize the President of the United States to direct any sum appropriated to fortifications, arsenals, armories, custom-houses, docks, navy yards, or buildings of any sort, or to munitions of war, or to the pay of the Army or Navy, to be applied to any other object of public expenditure.

Approved, March 3, 1817.

An Act for the relief of the widow and children of Abraham Owen.

Be it enacted, &c., That the widow and children of Abraham Owen, late a volunteer aid-de-camp of General William H. Harrison, shall be entitled to all the benefits of the second section of an act of Congress, approved the tenth day of April, one thousand eight hundred and twelve, entitled "An act for the relief of the officers and soldiers who served in the late campaign on the Wabash;" and that they be allowed the same sum of money to which they would have been entitled had the rank of major been regularly assigned to the said Abraham Owen.

Sec. 2. *And be it further enacted*, That the said allowance be paid to the said widow and children, according to the provisions of the said act, out of any money in the Treasury not otherwise appropriated.

Approved, March 3, 1817.

An Act allowing further time for entering donation rights to lands in the district of Detroit.

Be it enacted, &c., That the claimants to certain donation rights to land in the district of Detroit, granted by the second section of an act, entitled "An act to authorize the granting of patents for land, according to the surveys that have been made, and to grant donation rights to certain claimants of land in the district of Detroit, and for other purposes," passed the twenty-third of April, one thousand eight hundred and twelve, be, and they are hereby, allowed until the first day of December, one thousand eight hundred and eighteen, to file their claims with the register of the land office, for the district aforesaid.

Approved, March 3, 1817.

An Act to provide for the due execution of the laws of the United States within the State of Indiana.

Be it enacted, &c., That all the laws of the United States, which are not locally inapplicable, shall have the same force and effect within the said State of Indiana as elsewhere within the United States.

Sec. 2. *And be it further enacted*, That the said State shall be one district, and be called the Indiana District; and a district court shall be held therein, to consist of one judge, who shall reside in the said district, and be called a district judge. He shall hold, at the seat of government of the said State, two sessions annually, on the first Mondays in May and November, and he shall, in all things, have and exercise the same jurisdiction and powers which were, by law, given to the judge of the Kentucky district, under an act, entitled "An act to establish the judicial courts of the United States." He shall appoint a clerk for the said district, who shall reside and keep the records of the court at the place of holding the same; and shall receive, for the services performed by him, the same fees to which the clerk of the Kentucky district is entitled for similar services.

Sec. 3. *And be it further enacted*, That there shall be allowed to the judge of the said district court the annual compensation of one thousand dollars, to commence from the date of his appointment, to be paid quarter yearly at the Treasury of the United States.

Sec. 4. *And be it further enacted*, That there shall be appointed in the said district a person learned in the law, to act as attorney for the United States, who shall, in addition to his stated fees, be paid by the United States two hundred dollars, as a full compensation for all extra services.

Sec. 5. *And be it further enacted*, That a marshal shall be appointed for said district, who shall perform the same duties, be subject to the same regulations and penalties, and be entitled to the same fees, as are prescribed to marshals in other districts; and shall, moreover, be entitled to the sum of two hundred dollars annually, as a compensation for all extra services.

Approved, March 3, 1817.

An Act to authorize the extension of the Columbia Turnpike Road within the District of Columbia.

Be it enacted, &c., That the Columbia Turnpike Road Company, incorporated by an act of the General Assembly of Maryland, passed the sixth day of January, one thousand eight hundred and ten, entitled "An act to incorporate a company to make a turnpike road from near Ellicott's lower mills towards Georgetown, in the District of Columbia," be, and they are hereby, authorized and empowered to extend the said road from its intersection with the line of the District of Columbia to Rock Creek near Georgetown, and to locate and complete the same in the nearest and most practicable direction, and in the manner required by the twelfth section of the act of Assembly of Maryland, hereinbefore mentioned.

Sec. 2. *And be it further enacted*, That the said company may demand, and receive, the same tolls as are allowed for a like distance by the act of Assembly of the State of Maryland, incorporating the said company, and shall possess and enjoy the same privileges, and be subject to the same limitations, pains, and penalties, as by the said act are prescribed, enjoined, and directed: *Provided always, and be it further enacted*, That if the said company shall fail or neglect to extend, locate, and improve, the said road in the direction, and in the manner, authorized and required by this act, within five years, to commence from the first day of May next ensuing the passage of this act, then, and in that case, the authority and privileges hereby granted shall be, and they are hereby declared to be, forfeited and withdrawn, and this act shall cease and be of no effect.—Approved, March 3, 1817.

An Act respecting the District Court of the United States in the northern district of New York.

Be it enacted, &c., That, from and after the passage of this act, the district court of the Uni-

ted States, within and for the northern district of New York, shall be holden by the judges of said northern district, together with the judge of the district court of the United States for the southern district of said State: *Provided, nevertheless,* That either of the said judges shall be competent to hold said court in the absence of the other.

Sec. 2. *And be it further enacted,* That the district court of the United States, within and for said northern district, shall be holden at the village of Utica, on the third Tuesday of January, and second Tuesday of July; at Canandaigua on the second Tuesday of October; and at Salem on the third Tuesday of April, in each year. And all suits and proceedings in said court shall be revived and continue in full force, in the same manner as if the said court had been adjourned to the term next to be holden by virtue of this act.

Sec. 3. *And be it further enacted,* That, during the continuance of this act, there shall be paid to the judge of the district court of said southern district, in addition to his present salary, the annual sum of one thousand dollars, as compensation for the duties required to be performed under this act.

Sec. 4. *And be it further enacted,* That this act shall be in force one year, and no longer.

Approved, March 3, 1817.

An Act respecting the assessment and collection of the Direct Tax.

Be it enacted, &c., That in all cases in which appeals have been taken, and the same shall not have been legally acted on by a principal assessor, in any collection district, in regard to the enumerations, valuations, or revisions, of property, subject to the direct tax, the Secretary of the Treasury shall be, and he is hereby, authorized to direct the said appeals to be acted on by the principal assessor of such collection district, and such appeals shall be conducted, as nearly as may be, in conformity with the provisions of the act "to provide additional revenues for defraying the expenses of Government, and maintaining the public credit, by laying a direct tax upon the United States, and to provide for assessing and collecting the same," passed the ninth day of January, one thousand eight hundred and fifteen, so far as respects the direct tax imposed in that year, and with the provisions of an act supplementary thereto, passed the twenty-sixth day of April, one thousand eight hundred and sixteen, so far as respects the direct tax imposed in that year.

Sec. 2. *And be it further enacted,* That all deeds for real estate, sold for taxes by any designated collector, or by the collector for the District of Columbia, shall be made, executed, and acknowledged, by such collector, or proved in due form; and for every such deed the purchaser, or grantee, shall pay to the said collector, for his use, the sum of one dollar.

Sec. 3. *And be it further enacted,* That, to defray the expenses authorized by this act, there is hereby appropriated a sum not exceeding five thousand dollars, to be paid out of any money in the Treasury not otherwise appropriated.

Approved, March 3, 1817.

An Act making appropriation for carrying into effect certain Indian treaties, and for other purposes.

Be it enacted, &c., That, for the purpose of defraying the expenses which may arise in carrying into effect the treaty made between the United States and the tribes of Indians called the Ottowas, Chippewas, Pottowatomies, Chickasaws, Cherokees, and Chacktaws; that is to say: with the Ottowas, Chippewas, and Pottowatomies, at St. Louis, on the twenty-fourth of August, one thousand eight hundred and sixteen; with the Chickasaws, at the Chickasaw council house, on the twenty-eighth of September, one thousand eight hundred and sixteen; with the Cherokees, at Turkeytown, on the fourth of October, one thousand eight hundred and sixteen, the following sums, to be paid out of any moneys in the Treasury, not otherwise appropriated, be, and the same are hereby, appropriated, for the payment of the annuities to the Indians, as stipulated in the said treaties, that is to say: to the Ottowas, Chippewas, and Pottowatomies, one thousand dollars, annually, for twelve years; to the Chickasaws, twelve thousand dollars annually, for twelve years; and to William Colbert, a Chickasaw chief, one hundred dollars, annually, for and during his life; to the Cherokees, six thousand dollars, annually, for ten years; and to the Chacktaws, six thousand dollars, annually, for twenty years.

Sec. 2. *And be it further enacted,* That, for the purpose of carrying into effect certain other stipulations in the said treaties, the following sums be, and they are hereby, appropriated, to be paid out of any moneys in the Treasury not otherwise appropriated, that is to say: to carry into effect the treaty with the Chickasaws, as aforesaid, the sum of seven thousand three hundred and fifty dollars; to carry into effect the treaty with the Cherokees, the sum of five thousand dollars; and to carry into effect the treaty with the Chacktaws, the sum of ten thousand dollars.

Sec. 3. *And be it further enacted,* That there be, and is hereby, appropriated the following sums, viz: For the salary of the second comptroller, three thousand dollars; for the salaries of four additional auditors, twelve thousand dollars; for the salaries of additional clerks in the offices of the second comptroller, and additional auditors, nine thousand dollars.

Approved, March 3, 1817.

An Act to continue in force an act, entitled "An act relating to settlers on lands of the United States."

Be it enacted, &c., That an act, entitled "An act relating to settlers on the lands of the United States," passed the twenty-fifth of March, one thousand eight hundred and sixteen, be, and the

same is hereby, continued in force for one year from and after the passage of this act.

Approved, March 3, 1817.

An Act to amend the act, entitled "An act granting bounties in land and extra pay to certain Canadian volunteers," passed the fifth of March, one thousand eight hundred and sixteen.

Be it enacted, &c., That, from and after the passing of this act, no bounty in land shall be given to any Canadian volunteer, except where it shall appear that the full term of six months' service shall have been performed in some corps in the United States service, and whose name shall appear upon the muster-rolls of such corps: *Provided*, That where it shall appear that the said term of service had not been performed by reason of wounds received in battle, or other disabilities, occasioned by the performance of his duty while in such corps, such claimant shall be considered as having performed the full term of service for which he had engaged.

Sec. 2. *And be it further enacted*, That all warrants issued in pursuance of the act, entitled "An act granting bounties in land and extra pay to certain Canadian volunteers," and which have not been located, and those which shall be issued in pursuance of this act, shall be located on such lands as have been offered at public sale according to law, and no other.

Sec. 3. *And be it further enacted*, That, instead of the bounty given in the act hereby amended, the following rates shall be given: For a colonel, four hundred and eighty acres; for a major, four hundred and eighty acres; for a captain, three hundred and twenty acres; for a subaltern, three hundred and twenty acres; to a non-commissioned officer, musician, or private, one hundred and sixty acres; and to the medical and other staff, in proportion to their pay.

Sec. 4. *And be it further enacted*, That all such parts of the act hereby amended, as shall be inconsistent with, or contravene, the provisions of this act, are hereby repealed.

Sec. 5. *And be it further enacted*, That this act, together with the act hereby amended, shall continue, and be in force, for the term of one year, and no longer.

Approved, March 3, 1817.

An Act to amend an act, entitled "An act making further provision for military services during the late war, and for other purposes."

Be it enacted, &c., That the widows and children of soldiers of the militia, the volunteers, the rangers, and the sea-fencibles, who served during the late war, and for whom half-pay for five years was provided, by an act passed on the sixteenth day of April, one thousand eight hundred and sixteen, entitled "An act making further provision for military services during the late war, and for other purposes," shall be placed on an equality as to their annual allowance, that is to say: Such widows, and in case of no widow, such children as may be embraced in the before-recited act, shall be entitled to receive, (as the half-pay to which they are entitled,) at the rate of forty-eight dollars per annum, and no more; and the widows and children aforesaid, of the officers of the different corps aforesaid, shall be entitled to the half-pay of the officers of the infantry.

Sec. 2. *And be it further enacted*, That the provisions contained in an act, entitled "An act fixing the military peace establishment of the United States," passed on the third of March, one thousand eight hundred and fifteen, granting to the commissioned officers of the regular army, who were deranged by said act, three months' pay in addition to the pay and emoluments to which they were entitled by law at the time of their discharge, shall equally extend to wagon-masters, forage-masters, barrack-masters, and other warrant officers of the staff of the regular army, who were deranged by the before-recited act, except those provisionally retained by the President of the United States.

Sec. 3. *And be it further enacted*, That the further time of two years shall be allowed to the guardians of the minor children of deceased soldiers, to relinquish their claims to bounty lands for five years' half-pay, according to the second section of the before-recited act, to which this is a supplement, passed the sixteenth day of April, one thousand eight hundred and sixteen.

Sec. 4. *And be it further enacted*, That the widows and children of the non-commissioned officers of the rangers shall be placed on the same footing as to half-pay, for five years, with the widows and children of the infantry.

Sec. 5. *And be it further enacted*, That the provisions of the second section of the act to which this is a supplement, shall be, and the same are hereby, extended to all cases where either of the children therein mentioned shall have been under sixteen years of age at the time of the father's decease: *Provided*, The guardian of such minor children shall, in addition to the relinquishment by said act required, file, in the office of the Department of War, evidence of the assent of all the other heirs, if any there be, of said deceased soldier, or of their guardians, to such relinquishment.

Sec. 6. *And be it further enacted*, That in all cases where the child or children of a regular soldier, deceased, have the right, under the laws of the United States, to relinquish their bounty in land, for five years' half-pay, the said child or children shall be entitled to the same amount as is given by the act to the widows of the militia soldiers who died in service during the late war, viz., four dollars per month.

Approved, March 3, 1817.

An Act supplementary to an act, entitled "An act directing the disposition of money paid into the courts of the United States."

Be it enacted, &c., That it shall be the duty of the judges of the circuit and district courts of the

United States, within sixty days from and after the passage of this act, in all districts in which a branch of the Bank of the United States is, or shall be, established, to cause and direct all moneys remaining in said courts respectively, or being subject to the order thereof, to be deposited in said branch bank, in the name and to the credit of the court, and a certificate thereof from the cashier of said bank, stating the amount and time of such deposite, to be transmitted, within twenty days thereafter, to the Secretary of the Treasury; and in districts in which no such branch bank is, or shall be established, such deposite shall be made in like manner, and within the same time, in some incorporated State bank, and a certificate thereof, in like manner, and within the said time as aforesaid, transmitted to the Secretary of the Treasury.

Sec. 2. *And be it further enacted*, That all moneys which shall hereafter be paid into said courts, or received by the officers thereof, in causes pending therein, shall be immediately deposited in the branch bank within the district, if there be one, otherwise in some incorporated State bank, within the district, in the name and to the credit of the court.

Sec. 3. *And be it further enacted*, That no money, deposited as aforesaid, shall be drawn from said banks, except by order of the judge or judges of said courts respectively, in term or in vacation, to be signed by such judge or judges, and to be entered and certified of record by the clerk, and every such order shall state the cause in, or on account of which, it is drawn.

Sec. 4. *And be it further enacted*, That if any clerk of such court, or other officer thereof, having received any such moneys as aforesaid, shall refuse or neglect to obey the order of such court, for depositing the same as aforesaid, such clerk, or other officer, shall be forthwith proceeded against by attachment for contempt.

Sec. 5. *And be it further enacted*, That at each regular and stated session of said courts, the clerks thereof shall present an account to said court of all moneys remaining therein, or subject to the order thereof, stating particularly on account of what causes said moneys are deposited, which account, and the vouchers thereof, shall be filed in court: *Provided, nevertheless*, That if in any district there shall be no branch of the Bank of the United States, nor any incorporated State bank, the courts may direct such moneys to be deposited, according to their discretion, as heretofore.

Approved, March 3, 1817.

An Act to continue in force an act, entitled "An act further to provide for the collection of duties on imports and tonnage," passed the third day of March, one thousand eight hundred and fifteen, and for other purposes.

Be it enacted, &c., That the act entitled "An act further to provide for the collection of duties on imports and tonnage," passed the third day of March, one thousand eight hundred and fifteen, be, and the same is hereby, continued in force, excepting the sixth and eighth sections thereof.

Sec. 2. *And be it further enacted*, That if any suit or prosecution be commenced in any State court against any collector, naval officer, surveyor, inspector, or any other officer, civil or military, or any other person aiding or assisting, agreeably to the provisions of the act hereby continued in force, or under color thereof, for anything done or omitted to be done, as an officer of the customs, by virtue of said act, or under color thereof, and the defendant shall, at the time of entering his appearance at such State court, file a petition for the removal of the cause for trial at the next circuit court of the United States to be holden in the district where the suit is pending, and offer good and sufficient surety for his entering in such circuit court, on the first day of its session, copies of said process against him, and also for his there appearing at the court and entering special bail in the cause, if special bail was originally required therein; it shall then be the duty of the State court to accept the surety and proceed no further in the cause; and the bail that shall have been originally taken shall be discharged. And such copies being entered as aforesaid in such court of the United States, the cause shall then proceed in the same manner as if it had been brought there by original process, whatever may be the amount of the sum in dispute, or damages claimed, or whatever the citizenship of the parties, any former law to the contrary notwithstanding; and any attachment of the goods or estate of the defendant by the original process shall hold the goods or estate so attached to answer the final judgment, in the same manner as by the laws of such State they would have been holden to answer final judgment, had it been rendered by the court in which the suit was commenced: *Provided, nevertheless*, That this act shall not be understood to apply to any prosecution for an offence involving corporal punishment.

Sec. 3. *And be it further enacted*, That it shall be lawful hereafter for the master, or the person having charge or command of any steamboat on Lake Champlain, when going from the United States into the Province of Lower Canada, to deliver a manifest of the cargo on board, and take a clearance from the collector of the district through which any such boat shall last pass, when leaving the United States, without regard to the place from which any such boat shall have commenced her voyage, or where her cargo shall have been taken on board, any law to the contrary notwithstanding.

Sec. 4. *And be it further enacted*, That when any goods, wares, or merchandise, shall hereafter be imported from the Province of Lower Canada into the United States, in any steamboat on Lake Champlain, and the said goods, wares, and merchandise, shall have been duly entered, the duties thereon paid, or secured, at the office of the collector of any district adjoining Lake Champlain, it shall be lawful to land such goods, wares, or merchandise, in the same, or any other, district

adjoining said Lake Champlain, any law to the contrary notwithstanding.

SEC. 5. *And be it further enacted*, That, in any action or prosecution against any person as aforesaid, it shall be lawful for such person to plead the general issue, and give this act, and any special matter, in evidence. And if in any suit the plaintiff is non-suit, or judgment pass against him, the defendant shall recover double costs.

SEC. 6. *And be it further enacted*, That this act shall continue in force for the term of four years, from and after the third day of March next, and no longer.

SEC. 7. *And be it further enacted*, That every collector of the customs shall have authority, with the approbation of the Secretary of the Treasury, to employ within his district such number of proper persons, as deputy collectors of the customs, as he shall deem necessary, who are hereby declared to be officers of the customs; and the said deputy collectors, before they enter on the duties of their offices, shall take and subscribe, before the collectors appointing them, or before some magistrate within their respective districts, authorized by law to administer oaths, the following oath or affirmation, to wit: "I, ——, having been appointed a deputy collector of the customs, within and for the district of ——, do solemnly, sincerely, and truly, swear (or affirm, as the case may be) that I will diligently and faithfully execute the duties of the said office of deputy collector, and will use my best endeavors to prevent and detect frauds and violations against the laws of the United States. I further swear (or affirm) that I will support the Constitution of the United States."

Approved, March 3, 1817.

An Act to amend the act "authorizing the payment for property lost, captured, or destroyed, by the enemy, while in the military service of the United States, and for other purposes," passed the ninth of April, one thousand eight hundred and sixteen.

Be it enacted, &c., That the ninth section of the act, entitled "An act authorizing the payment for property lost, captured, or destroyed, by the enemy, while in the military service of the United States, and for other purposes," passed on the ninth of April, one thousand eight hundred and sixteen, shall be construed to extend only to houses, or other buildings, occupied by an order of an officer or agent of the United States as a place of deposite for military or naval stores, or as barracks for the military forces of the United States; and that, in acting on all claims arising under the aforesaid ninth section, as well those whereon commissions are now returned, and remain undecided, as those on which commissions may be hereafter executed, it shall be the duty of the commissioner, appointed in virtue of the act aforesaid, carefully to examine and investigate the same, and to report the facts in such case to Congress as soon as may be, that such provision may be made for the relief of the respective claimants as shall be deemed just and proper.

SEC. 2. *And be it further enacted*, That the said commissioner shall, in all cases in which the claim to compensation or indemnity shall exceed the sum of two hundred dollars, award a commission to some one or more discreet commissioners, near the places where the witnesses reside, who shall, before they proceed to act, take an oath, or affirmation, before some officer authorized by law to administer the same, that they will faithfully and impartially execute the duties assigned to them in said commission, to the best of their judgment; and the said commissioner shall accompany said commission with directions as to the examination of witnesses, on oath or affirmation, which the said commissioner, or commissioners, so acting, are hereby authorized to administer; which said commission, when executed, together with the examinations taken in pursuance thereof, shall be enclosed, sealed, and returned by mail to the office of the said commissioner: *Provided, however*, That, in acting on examinations taken by virtue of the act to which this is an amendment, the said commissioner shall be authorized, in all cases where he shall adjudge the facts not to be sufficiently disclosed to allow a just decision between the claimants and the United States, to award a new commission as aforesaid; and, also, in all cases in which the said commissioner shall deem it proper to appoint an agent to act in behalf of the United States, in executing said commissions; and it shall be the duty of the commissioner, or commissioners, taking evidence in any case, to make inquiry whether any evidence may be had which may be favorable to the interest of the United States, and to take such evidence, and transmit the same to the said commissioner, in like manner.

SEC. 3. *And be it further enacted*, That any person, in the late war aforesaid, who has sustained damage by the loss of any horse, mule, ox, wagon, cart, boat, sleigh, or harness, while such property was in the military service of the United States, either by impressment or contract, except in cases where the risk to which the property would be exposed was agreed to be incurred by the owner, if it shall appear that such loss was without any fault or negligence on the part of the owner, shall be allowed and paid the value thereof.

SEC. 4. *And be it further enacted*, That the provisions of this act, and the act to which it is an amendment, shall be, and are hereby, extended to cases of property lost, captured, or destroyed, in the wars with the Indian tribes, subsequent to the eighteenth day of February, and prior to the first day of September, one thousand eight hundred and fifteen, in the same manner as if lost, captured, or destroyed, in the late war with Great Britain.

SEC. 5. *And be it further enacted*, That all claims allowed by said commissioners, of two hundred dollars or upwards, shall be revised by the Secretary of War, on a statement of the facts made to him by the aforesaid commissioner, and may be confirmed or rejected; and the amount

of all claims allowed by the aforesaid commissioner less than two hundred dollars, and those of two hundred dollars and upwards, if confirmed by the Secretary of War, shall be paid in the manner prescribed in the tenth and fourteenth sections of the act to which this is an amendment.

Approved, March 3, 1817.

An Act authorizing a subscription for the printing of the tenth volume of Public Documents.

Be it enacted, &c., That the Secretary of State be, and he is hereby, authorized to subscribe for, and receive, for the use and disposal of Congress, five hundred copies of the tenth volume of public documents, proposed to be printed by Thomas B. Wait and Sons. The aforesaid volume to be delivered in strong leather binding, at the Department of State, at the rate of two dollars and a quarter for each five hundred pages contained in the same.

Sec. 2. *And be it further enacted*, That the sum of one thousand five hundred dollars is hereby appropriated for the purpose aforesaid, to be paid out of any money in the Treasury not otherwise appropriated.

Approved, March 3, 1817.

An Act for the relief of certain Officers.

Be it enacted, &c., That the Paymaster General be authorized, and is hereby required, to pay the general staff (the volunteer aids excepted) of the Governor of the Illinois Territory, while in service in the year one thousand eight hundred and twelve; and that to each one be allowed the pay and emoluments of a major of infantry.

Approved, March 3, 1817.

An Act supplementary to "An act for the relief of persons imprisoned for debts due the United States."

Be it enacted, &c., That any person imprisoned upon execution for a debt due to the United States, which he shall be unable to pay, if his case shall be such as does not authorize his discharge by the Secretary of the Treasury, under the powers given him by the act, entitled "An act providing for the relief of persons imprisoned for debts due to the United States," may make application to the President of the United States, and upon proof being made to his satisfaction that such debtor is unable to pay the debt, and upon a compliance by the debtor with such terms and conditions as the President shall deem proper, he may order the discharge of such debtor from his imprisonment, and he shall be accordingly discharged, and shall not be liable to be imprisoned again for the same debt; but the judgment shall remain good and sufficient in law, and may be satisfied out of any estate which may then, or at any time afterwards, belong to the debtor.

Approved, March 3, 1817.

Resolution for admitting the State of Indiana into the Union.

Whereas, in pursuance of an act of Congress, passed on the nineteenth day of April, one thousand eight hundred and sixteen, entitled "An act to enable the people of the Indiana Territory to form a constitution and State government, and for the admission of that State into the Union," the people of the said Territory did, on the twenty-ninth day of June, in the present year, by a convention called for that purpose, form for themselves a constitution and State government, which constitution and State government, so formed, is republican, and in conformity with the principles of the articles of compact between the original States and the people and States in the Territory Northwest of the River Ohio, passed on the thirteenth day of July, one thousand seven hundred and eighty-seven:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Indiana shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States, in all respects whatever.

Approved, December 11, 1816.

Resolution to employ John Trumbull, to compose and execute certain paintings.

Resolved, &c., That the President of the United States be, and he is hereby, authorized to employ John Trumbull, of Connecticut, to compose and execute four paintings commemorative of the most important events of the American Revolution, to be placed, when finished, in the Capitol of the United States.

Approved, February 6, 1817.

Resolution respecting contracts for the Printing for Congress.

Resolved, &c., That the Secretary of the Senate, and the Clerk of the House of Representatives, be directed, in making any future contract for the printing of Congress, to stipulate, and require, that the same, excepting only the bills, or when otherwise specially directed by either House, shall be done in royal octavo form, the size of the pages to be the same as those of the late edition of the laws of the United States; and that when any tables will not admit, with the use of a small type, of compression into that size, they shall be so printed as to fold conveniently into the volume.

Approved, March 3, 1817.

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